

ORDINANCE 2024 - 05

AN ORDINANCE AMENDING PART B OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF MT. JULIET, TENNESSEE, KNOWN AS THE ZONING REGULATIONS (ORDINANCE 2001-29), ADOPTED OCTOBER 8, 2001, AS AMENDED, BY AMENDING ARTICLE III, USE REGULATIONS ADDING SECTION 3-108, TEMPORARY EVENTS, USES AND PORTABLE BUILDINGS, TO INCLUDE MOBILE FOOD VENDOR (FOOD TRUCKS) REGULATIONS FOR RESIDENTIAL AND INDUSTRIAL DISTRICTS

WHEREAS, the City of Mt. Juliet recognizes the practical benefits of allowing mobile food vendors to operate within residential and industrial districts in the city limits; and

WHEREAS, the City's Zoning Ordinance does not currently provide regulations regarding mobile food vendors outside of temporary commercial events; and

WHEREAS, the Planning Commission considered this request during their meeting of April 20, 2023 and recommended approval, to the Board of Commissioners; and

WHEREAS, the Board of Commissioners desires to adopt mobile food vendor regulations for residential and industrial zoning districts.

WHEREAS, this ordinance will become effective on August 15, 2023 and sunsets on July 31, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Mt. Juliet, Wilson County, Tennessee, while in regular session on January 1, 2024 that mobile food vendor regulations be adopted as described in Exhibit A below.

BE IT FURTHER ORDAINED in case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further. If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

This ordinance shall take effect on the earliest date allowed by law.

EXHIBIT A

Sec. 3-108. – Temporary events, Mobile Food Service Vehicle operations for residential and industrial districts.

- I. *Definitions.* The following definitions shall apply to the requirements of this section and are not intended to have general application to the Zoning Ordinance or other City regulations. Further, any uses permitted by this Section 3-108 are not subject to

Sections 3-102, 3-103, or 3-106 of the Zoning Ordinance. This Section 3-108 shall not apply to uses listed elsewhere in the Zoning Ordinance.

Amenity Center: A recreational facility including, but not limited to, clubhouse, pool, playground, open space, etc. for the use of private residents or homeowners associations and their guests.

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; 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.

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.

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.

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.

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.

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

Major road: For the purposes of this section, major roads are: North and South Mt. Juliet Rd. (State Hwy. 171), Old Lebanon Dirt Road, Division Street, Adams Lane (from Mt. Juliet Road to Crossings Blvd.), Providence Parkway, Belinda Parkway (east to

Providence Trail), Central Pike, Beckwith Road, Nonaville Road, Golden Bear Gateway, and Lebanon Road (US Highway 70), or any road classified as an arterial street in the Major Thoroughfare Plan, as amended. Staff reserves the right to revise this list as deemed necessary.

Mobile Food Service Vehicle: 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.

Mobile vendor: shall mean a person, corporation, company, or business that sells or offers for sale new goods, wares, merchandise, beverages or food stuffs of any kind or nature whatsoever from cart, or other mobile vehicle designed for preparing or selling these products.

Mobile food vendor: means a mobile vendor which operates a mobile food service vehicle.

Mobile food vendor permit: means a permit issued by the city for the operation of a mobile food service vehicle.

Neighborhood Community Event means a non-commercial event located within a residential subdivision which may be open to the public and which is approved by the Planning Director/City Administrator by permit. Community events are to be held on private property within residential developments. A neighborhood community event must be determined by the Planning Director/City Administrator to provide an overall community benefit and must be sponsored by the HOA or a group of homeowners or other organization, not one individual.

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

Operator: means any person operating or permitted to operate a mobile food service vehicle.

Permit administrator: means the city's planning and codes director or a person designated by the planning and codes director to oversee the issuance, suspension and revocation of mobile food vendor permits and food truck rally permits.

Portable building: Includes, but is not limited to, recreational vehicles, tents, carts, kiosks, and construction trailers.

Portable toilet: A portable or mobile toilet can be moved around and typically doesn't require existing infrastructure.

Sponsor: The applicant and/or operator of the temporary event for whom the temporary event request is approved, and who is responsible for ensuring conformance with City and other regulations, and is the point of contact for the business or organization.

Temporary event/use: An activity limited in duration, as defined herein, that does not require the issuance of a regular City of Mt. Juliet Business Tax License. In this context the term event and use is used interchangeably.

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.

II. *Mobile food service vehicle operations.* The City recognizes the practical benefits of allowing mobile food vendors to operate within City limits and hereby establishes these regulations for their operation and for the health, safety, and welfare of the public.

A. Generally. It is a violation to operate a mobile food service vehicle at any location except in compliance with the requirements of this article.

1. 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.
2. The Planning Director, or their designee 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.

B. 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 this ordinance. 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 in any residential or industrial zone, 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) mobile food service vehicles may operate at any one location.
 - 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.
 - v. *Residential neighborhoods.* In residentially zoned districts with open space/amenity center, food truck(s) must operate at the amenity area. For residentially zoned districts without open space or amenity centers, food trucks may park on private property on non—collector streets. Neighborhood Community Events are restricted to no more than two (2) consecutive days and are limited to twelve (12) Neighborhood Community Events per year.
 - vi. *Public Restrooms.* If a Mobile Food Service Vendor is operating in the same location for more than four (4) consecutive hours, ADA compliant public restrooms shall be made available. Should the HOA, allow amenity center usage, a signed restroom accessibility agreement is required for access of facilities within 450' of the vending location. For developments without HOA/amenity centers, ADA compliant portable toilets shall be required, within 450' of the vending location. For industrial districts, a signed restroom accessibility agreement is required for access of facilities within 450' of the vending location, or provide ADA compliant portable toilets.
- c. *Hours of operation.* In residentially zoned districts food trucks may operate beginning at 3:00pm and ending at 10:00pm Monday -Friday and 10:00am-10:00pm Saturday and Sunday. unless otherwise restricted by the operator's mobile food vendor permit or by the property owner. In industrially zoned areas utilized for warehousing and distribution, food trucks may operate during all shifts due to the nature of these businesses, however proposed operation times are subject to city approval.

2. *Canteen trucks.*

- a. 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 this ordinance. 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 in any residential or industrial zone on private property, 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. *Placement on lot.* Canteen trucks shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.
 - iii. *Maximum number of trucks.* No more than two (2) mobile food service vehicles may operate at any one location.
 - 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.
 - v. *Residential neighborhoods.* In residentially zoned districts with open space/amenity center, food truck(s) must operate at the amenity area. For residentially zoned districts without open space or amenity centers, food trucks may park on private property on non—collector streets. Neighborhood Community Events are restricted to no more than two (2) consecutive days and are limited to twelve (12) Neighborhood Community Events per year.
 - vi. *Public Restrooms.* If a Mobile Food Service Vendor is operating in the same location for more than four (4) consecutive hours, ADA compliant public restrooms shall be made available. Should the HOA, allow amenity center usage, a signed restroom accessibility agreement is required for access of facilities within 450' of the vending location. For developments without HOA/amenity centers, ADA compliant portable toilets shall be required, within 450' of the vending location. For industrial districts, a signed restroom accessibility agreement is required for access of facilities within 450' of the vending location or provide ADA compliant portable toilets.
 - vii.
- c. *Hours of operation.* Canteen trucks may operate beginning at 3:00pm ending at 10:00pm Monday – Friday and 10:00am and ending at 10:00pm on Saturday and Sunday unless otherwise restricted by the operator's mobile food vendor permit. In industrially zoned areas utilized for warehousing/distribution, canteen trucks may operate during all shifts due to the nature of these businesses, however proposed operation times are subject to city approval.

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 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 this ordinance. 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 in any residential or industrial zone, 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.
 - iv. *Maximum number of trucks.* No more than two (2) mobile food service vehicles may operate at any one location.
- c. *Hours of operation.* Ice cream trucks may operate in residentially zoned and industrially zoned districts beginning at 11:00 a.m. and ending at sunset unless otherwise restricted by the operator's mobile food vendor permit.

C. 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 City codes, 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 18 inches between the curb face or edge of pavement and with the service window of the vehicle facing the curb or edge or pavement.
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 above the sidewalk.
5. *Distance between units.* A mobile food service vehicle may not operate within three feet 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 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 that are prohibited by City codes may be produced by a mobile food service vendor's operations.
8. *Lights.* No mobile food service vehicle shall emit light, other than lights provided from the factory to be used for operating the vehicle at night, nor shall any mobile food service vendor use lighting to draw attention to the mobile food service vehicle operations
9. *Support methods.* No mobile food service vendor may use stakes, rods or any other method of support related to the mobile food service vehicle's operation that must be drilled, driven or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks or buildings.
10. *Spills.* To prevent discharges into waterways, drainage systems or public sewer systems, each mobile food service vehicle 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.
11. *Waste collection.* The area in which a mobile food service vehicle operates 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 50 feet 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.
 12. *Pedestrian service only.* Mobile food service vehicles shall serve pedestrians only. Drive-through or drive-in service is prohibited.
 13. *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 from the vehicle. One 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 beyond the mobile food service vehicle. Sandwich board signs shall not exceed eight square feet per side or 48 inches in height and shall not obstruct or impede pedestrian or vehicular traffic.
 14. *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.
 15. *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.
 16. *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 traffic safety cones.
 17. *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 code requirements.
 18. *Overnight Parking.* Mobile Food Service Vehicles shall NOT be parked overnight on property where operations of food vending occurs.

D. 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 ordinance 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 hours, provided that the mobile food service vehicle is not open to or serving the general public.
 - a. *Application.*
 - i. In order to obtain a mobile food vendor permit, a mobile food service vehicle operator must complete an application form provided by the city. The application shall include the following information:
 - ii. Name and address of the owner of the vehicle.
 - iii. Name and address of the operator of the vehicle.
 - iv. Color photographs of the exterior (front, side, and back) of the vehicle in its final condition and with all markings under which it will operate.
 - v. A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the vehicle.
 - vi. A copy of the state or county health department license or permit applicable to mobile food providers.
 - vii. A copy of any alcoholic beverage licenses, if applicable.
 - viii. A copy of the operators business license.
 - ix. A certificate of insurance coverage, including required motor vehicle insurance coverage.
 - x. A signed acknowledgement that the operator has read this article and will comply with all applicable requirements herein.
 - xi. Property owner permission, in writing.
 - xii. Any additional information required by the permit administrator.
 - b. Submittal of an application for a mobile food vendor permit must be accompanied by payment of an application fee in the amount of \$100 per year per mobile food service vehicle.
 - c. Each mobile food vendor permit holder shall have an ongoing duty to provide the city with notice of any change to any of the information submitted with its permit application, including current photographs of the mobile food service vehicle in the event of any change in the appearance of or signage on the vehicle.
2. *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 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 12 months. If the permit administrator denies the application, such denial shall be in writing and provided to the applicant within 15 days of receipt of the application.

3. *Expiration.* The fee for renewal shall be the same as the application fee for a new mobile food vendor permit once the existing permit has expired.
4. *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 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.

E. Enforcement

1. *Citation.* Each of the following circumstances constitute a violation of this ordinance, for which a citation may be issued by a codes enforcement officer, the permit administrator 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 operates without a current, valid permit shall be considered a separate violation.
 - b. Failure to comply with this Section 3-108 or any other provision of the Zoning Code or City Code, except Sections 3-102, 3-103, and 3-106 of the Zoning Ordinance.
2. *Responsibility for violations.* The city codes enforcement officers, permit administrator 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 ordinance:
 - 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.
3. *Suspension of permit.* A mobile food vendor permit shall be suspended by the permit administrator if:
 - a. The applicant for the permit knowingly provides false information on the application.
 - b. Two violations of this article occur within a six-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 violations of this article have occurred within a 12-month period.


PASSED: 01/08/24


James Maness, Mayor

FIRST READING: 11/27/23

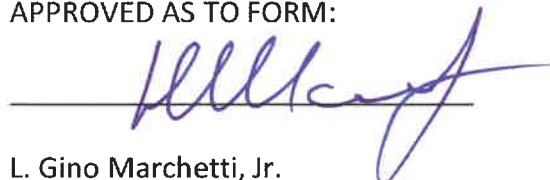
SECOND READING: 01/08/24

ATTEST:


Sheila S. Lockett, MMC
City Recorder


Kenny Martin, City Manager

APPROVED AS TO FORM:


L. Gino Marchetti, Jr.
City Attorney