

ORDINANCE 21-16

AN ORDINANCE AMENDING THE NOLENSVILLE ZONING ORDINANCE TO ADD FOOD TRUCK REGULATIONS

WHEREAS, the Town of Nolensville has recognized the growing interest in mobile food vendors in our community; and

WHEREAS, the Board of Commissioners aim to address regulations and permitting in order to maintain the health, safety and welfare of our citizens.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NOLENSVILLE, TENNESSEE, AS FOLLOWS:

Remove from Zoning Code 4.1.3 Section G, Food Service Stands, renumber accordingly.

Add as follows:

1.13.3 General Terms

Mobile Food Vendor – Unless covered by a more specific definition (or land use activity or temporary use listing), a vehicle, cart, and/or mobile stand 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.

Mobile Food Vendor Permit - A permit issued by the Town Building and Codes for the operation of a mobile food service vehicle. Food trucks may be exempted from requiring a permit to operate when attending a permitted special event, a temporary use permit event, or a 501(c)(3) event.

2.1.1. DISTRICT STANDARDS ESTABLISHED

The following standards shall apply to all zoning districts within the Town:

G. Mobile Food Vendor

1. It is a violation for any Mobile Food Vendor to operate within the Town except as herein provided. In addition to general penalties under the Town Code, any Mobile Food Vendor found operating in violation of this Ordinance shall immediately stop servicing customers until such violation is remedied. A failure to comply after receiving notice of a violation will be grounds for the Town to obtain an injunction or other available relief to prevent the Mobile Food Vendor from operating within the Town and the Town will revoke any permits issued to the Mobile Food Vendor and/or owner of the Mobile Food Vendor and will not grant any new permits to the Mobile Food Vendor and/or owner for a period of two years.
2. A Mobile Food Vendor must comply with all federal, state, and local health, business, licensing, and tax laws.

3. A Mobile Food Vendor must obtain a permit prior to operating in the Town of Nolensville. There is a \$100 fee for a permit, and any renewal is \$50. Permits shall run for the calendar year, from January 1 to December 31. Permits are not transferrable and the Mobile Food Vendor must notify the Town if it ceases to conduct any operations in Nolensville. In order to obtain a Mobile Food Vendor permit, the Owner must complete an application form provided by the Town, which will include at least the following information:

- a) Name and address of the owner of the vehicle.
- b) Name and address of the operator of the vehicle.
- c) 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.
- d) A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the vehicle.
- e) A copy of the state or county health department license or permit applicable to mobile food providers.
- f) A copy of any alcoholic beverage licenses, if applicable.
- g) A copy of the operator's business license.
- h) A certificate of insurance coverage, including required motor vehicle insurance coverage.
- i) A signed acknowledgement that the operator has read this article and will comply with all applicable requirements herein.
- j) Any additional information required by the permit administrator.
- k) Each mobile food vendor permit holder shall have an ongoing duty to provide the town 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.

4. General Regulations

- a) A Mobile Food Vendor may operate on public or private property, including a residential area. To operate in a public location the Mobile Food Vendor must have the express written consent of the Town, which shall state the dates, location, and hours for which the Mobile Food Vendor may operate. To operate on private property, the Mobile Food Vendor holder must have the express, written permission of the entity that owns the land on which the Private Permit holder is operating. The written permission shall state the dates, location, and hours for which the Mobile Food Vendor may operate.

To operate in a residential area, including public right-of-way within a residential neighborhood, the Mobile Food Vendor must have the express written consent of the owner of the closest property in question and the Homeowner's Association if applicable, which shall state the dates, location, and hours for which the Mobile Food Vendor may operate. All written consents required by this subsection must be in the Mobile Food Vendor's possession while making any sales and made available to the Town upon request.

- b) No Mobile Food Vendors may remain parked overnight at any location the Mobile Food Vendor operates, absent specific, written permission from the Town.
- c) The Owner of the Mobile Food Vendor is the person(s) who own any business entity associated with the Mobile Food Vendor as well as the owner/lessee of any vehicle associated with the Mobile Food Vendor.
- d) The Operator of the Mobile Food Vendor is the person(s) who are primarily responsible for the daily operations of the Mobile Food Vendor.
- e) A Mobile Food Vendor may have, at most, table seating for no more than eight people.
- f) With the exception of a sandwich board located within 2 feet of the Mobile Food Vendor, with two sign faces that are no larger than 8 square feet per sign face, signage for the Mobile Food Vendor shall be attached to the vehicle, stand, and/or cart associated with the operation of the Mobile Food Vendor.
- g) No Mobile Food Vendor may locate within 300 feet of a permanent establishment that sells substantially similar menu items.
- h) A Mobile Food Vendor shall not be parked in a way to block any entrances/exits, drive throughs, fire lanes, designated traffic lanes, and/or more than 4 lined parking spots, if applicable.
- i) In the event the Permit fails to state the hours during which sales are permitted, the hours of sale shall be 7:00 am to 8:00 pm.
- j) Vendor may not be in the same location more than 10 times per year.
- k) A Mobile Food Vendor shall not be block any portion of any sidewalk, whether through signage, canopies, awnings and/or seating.
- l) Any awnings or canopies utilized by the Mobile Food Vendor shall be at least six feet, eight inches above the sidewalk and or pavement.

- m) A Mobile Food Vendor shall not be parked so as to create a line of sight hazard, meaning impeding a pedestrian or vehicle's ability see other traffic hazards.
- n) A Mobile Food Vendor is responsible for ensuring that the site, within a 50' radius of the Mobile Food Vendor, remains free of debris/trash. A trash receptacle shall be provided for consumers and shall be regularly emptied.
- o) A Mobile Food Vendor is responsible for providing napkins, cutlery, and similar items to customers.
- p) Every Mobile Food Vendor must have insurance adequate to cover the limits of the Town under the Governmental Tort Liability Act. For activities on public property, the Mobile Food Vendor and Owner, as part of receiving a permit under this Ordinance, agree to indemnify and hold harmless the Town for any and all damages sustained by the Mobile Food Vendor and/or Owner and/or Operator and any and all claims made against the Town related to the operation of the Mobile Food Vendor and/or actions of the Owner and/or Operator. For operation on private property or in a residential area, the Mobile Food Vendor and Owner, as part of receiving a permit under this Ordinance agree to indemnify and hold harmless the Town for any and all claims made against the Town related to the operation of the Mobile Food Vendor and/or actions of the Owner and/or Operator.
- q) No Mobile Food Vendor may operate their vehicle, cart, or stand, or create any other sounds, that violate the Town's noise ordinances or that otherwise constitute a nuisance.
- r) All Mobile Food Vendors must comply with the Town's stormwater regulations regarding discharges into public sewers.
- s) Cooking equipment located outside the Mobile Food Vendor's vehicle, cart or stand must be specifically approved by the Town and any such equipment must be roped off, creating at least a 3' distance from the equipment to any potential customer.
- t) Vendors may not park in unimproved lots.
- u) Absent permission of the property owner, no Mobile Food Vendor may utilize any sanitation facilities or electrical connections not owned by the Mobile Food Vendor.
- v) Any Mobile Food Vendor that is open for business 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 of pavement. This does not apply to a Mobile Food Vendor operating in a private parking lot.

- w) 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 town's fire and rescue department. All Mobile Food Vendors 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.
- x) Mobile Food Vendors shall not sell alcoholic beverages, except as may be specifically allowed by applicable state law and town ordinance.

The Town Manager retains discretion to carry out administrative functions related to the enforcement of this Ordinance, including any exceptions that may be granted to any location requirements when in the interest of the public health, safety and specific to condition.

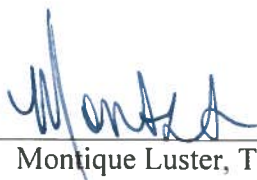
This ordinance shall become effective after its passage and adoption, the public welfare demanding it.


Approved by the Board of Commissioners

4-1-2021
First Reading

5-6-2021
Public Hearing

5-6-2021
Second Reading

Attest: 
Montique Luster, Town Recorder


Derek Adams, Mayor

Approved by:

 by CS M
Gino Marchetti Jr., Town Attorney

