

CHAPTER 15

MOBILE FOOD VENDORS

SECTION

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5-1401. Definitions. The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning. The word "shall" is always mandatory and not merely directory.

- (1) **Yard sale** means and includes all general sales, open to the public, conducted from or on any premises in any residential or non-residential area for the purpose of disposing of personal property, including but not limited to all sales entitled "yard", "garage", "lawn", "attic", "porch", "room", "backyard", "patio", "flea market", "rummage", or any other similar type worded sale. This definition does not include the operation of any business carried on, on a regular day to day basis, at a fixed location, in a Business District allowed and regulated by the City of Paris Zoning Ordinance as is set out in Chapter 11 of the Paris Municipal Code where such business has a business license, sales tax number, and meets all building and code requirements.

5-1501. Purpose. The regulation of Mobile Food Vendors is necessary to protect the health, safety, and welfare of the public as well as promote the public interest by regulating the locations and methods of operation by Mobile Food Vendors.

5-1502. Definitions.

- A. **Food Trucks.** Vehicles from which the operator cooks, prepares, or assembles food items (including products sold by Ice Cream Trucks) with the intent to sell such items to the general public and which may market their products to the public via advertising, including social media.
- B. **Ice Cream Trucks.** Vehicles from which the operator vends only prepackaged frozen dairy or frozen water based food products, soft served or hand dipped frozen dairy products, or frozen water based food products, and prepackaged beverages.
- C. **Mobile Food Service Permit.** A permit issued by the City for the operation of Food Trucks or Ice Cream Trucks, also for special events, or City sponsored events.
- D. **Mobile Food Service Vehicle.** A Food Truck or an Ice Cream Truck and also including any other portable unit that is attached to a motorized vehicle, such as a trailer, that is intended for use as, or in service to, the operation of a Food Truck or Ice Cream Truck.
- E. **Operate.** To promote or sell food, beverages, or other permitted items from the Mobile Food Service Vehicle.
- F. **Operator.** Any person owning, operating, or permitted to operate a Food Truck or an Ice Cream Truck and collectively refers to all such persons.
- G. **Right of Way.** Right of Way shall mean City streets designed for motor vehicle traffic and includes marked or unmarked parking spaces thereon.
- H. **Unimproved Property.** Real Estate that does not have certain basic required services such as water, sewer, and electricity in place and available for use.

5-1503. Generally. It is a violation to operate a Mobile Food Service Vehicle at any location except in compliance with the requirements of this Chapter. Mobile Food Service Vehicle Operators must also comply with all State and Local Business Tax Regulations.

5-1504. Location and Hours of Operation.

A. Food Trucks.

1. Rights of Way. Food Trucks may operate on City Right of Way only at the times and at the locations listed on the City's website for authorized special events or City sponsored events.
2. Public Property. Food Trucks may operate on City property, including City Parks, only at the times and locations listed on the City's website for special events or City sponsored events. Provided, however, Food Trucks shall not be allowed to operate at McNeill Park.
3. Private Property. Food Trucks may operate on private property where there is a commercial, office, educational, church or industrial use allowed, subject to the following conditions:
 - (a) Permission. Food Trucks selling to the public from private property shall have the written permission of the property owner, which said written permission of the property owner, shall be provided to the City upon request
 - (b) Unimproved properties. Regardless of an agreement with the owner of any unimproved property, a Food Truck may not operate on an unimproved parcel or portion of an unimproved parcel unless that parcel is paved, and has paved ingress and egress from a City street.
 - (c) Maximum Number of Food Trucks. No more than two (2) Food Trucks may operate at any location unless additional Food Trucks are allowed by the City as a part of a special event or a City sponsored event.
 - (d) Existing Parking Spaces. Food Trucks may not use more than fifteen percent (15%) of the existing parking spaces located on the property for which it has an agreement to operate.

B. Ice Cream Trucks.

1. Locations.

- (a) Right of Way. An Ice Cream Truck may not operate from the right-of-way at any one (1) location for more than fifteen (15) minutes without relocating to another location not less than one (1) block from the previous location.
 - (b) Public Property. Ice Cream Trucks may operate in City Parks, only on the City Park right-of-way, as set out in (a) above. Ice Cream Trucks may also operate on City right-of-way at the times and locations listed on the City's website for authorized special events or City sponsored events. Provided, however, Food Trucks shall not be allowed to operate at McNeill Park.
 - (c) Private Property. An Ice Cream Truck may operate on private property with written permission of the property owner, which will be immediately available to the City upon request. An Ice Cream Truck may not use more than fifteen percent (15%) of the existing parking spaces located on the property for which it has an agreement to operate.
2. **Hours of Operation.** Ice Cream Trucks may operate after 10:00 a.m. and until sunset unless at special event or a City sponsored event.

5-1505. Operating Requirements. All Mobile Food Service Vehicles shall be subject to the following requirements:

A. **Vehicle Requirements.**

1. 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.
2. Licensing. Mobile Food Service Vehicles must be licensed in accordance with the Rules and Regulations of any Local and State Regulations having jurisdiction over motor vehicles and all products sold therein must be properly licensed, permitted, and allowed by State and Local Laws and Regulations.

B. **Right of Way.**

1. Food Trucks may not operate, stop, stand, or park in any area of the right-of-way that is intended for use by vehicular traffic or that in any way impedes the use of the right-of-way or that presents an unsafe condition for patrons, pedestrians, or other vehicles. Provided, however, Food Trucks may operate within the right-of-way at authorized special events or City sponsored events at times and locations designated on the City's website.
2. Unless authorized in writing by the City, all Mobile Food Service Vehicles are prohibited from operating in public alleys.
3. Food Trucks, when allowed on right-of-way shall park in the same direction as traffic with no more than eighteen inches (18") between the curb face or edge of the pavement and with the service window of the unit facing the curb.
4. When allowed, a Food Truck may park in more than one (1) parking space in the right-of-way.

C. **Business Access.** No Mobile Food Service Vehicle may operate in a location that impedes the ingress to, egress from, or signage of the business where it is located or another adjacent business or otherwise cause undue interference with access to other businesses, emergency areas, paths, sidewalks, or other public or private facilities.

D. **Pedestrians.** A Mobile Food Service Vehicle may not reduce the clear pedestrian path of travel on a sidewalk to less than six (6) feet. This includes all components of the unit and any patron queue. All awnings or canopies of the unit shall be at least six feet 8 inches (6'8") above the sidewalk.

E. **Types of Cooking Apparatuses.** Open flame cooking (other than with a gas range specifically constructed and designed within the Food Truck) either within or outside a Food Truck is prohibited except for such activity as specifically permitted by the Fire Marshall.

F. **Noise.** Amplified music or other sounds from any Mobile Food Service Vehicles may not at any time unreasonably disturb nearby businesses, residences, pedestrians, or vehicles.

G. **Utilities.** All Mobile Food Service Vehicles shall comply with the version of the electric code currently adopted by the City and any power, water, or sewage required for the Mobile Food Service Vehicle shall be self-contained and not use utilities drawn from other sources. Provided, however, if the Mobile Food Service Vehicle is located on private property the Mobile Food Service Vehicle may, with written permission from the owner of that private property, use utility services provided by the private property owner.

H. **Fire Extinguishers Required.** All Mobile Food Service Vehicles must be equipped with a Number 2A: Number 10-B: C Fire Extinguisher that is certified annually by a licensed company. Additionally, any Mobile Food Service Vehicle that produces grease laden vapors (e.g., those units with deep fat fryers or flat top griddles) must be equipped with a K Class Fire Extinguisher that is certified annually by a licensed company.

- I. **Support Methods.** No Mobile Food Service Vehicle may use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks, or buildings.
- J. **Pedestrian Service Only.** Mobile Food Service Vehicles shall serve pedestrians only; drive up, drive through, or drive in service is prohibited.
- K. **Spills.** To prevent discharges into the City storm drain system or on permeable property, each Mobile Food Service Vehicle shall comply with all stormwater regulations of the City. In addition, each Mobile Food Service Vehicle shall have a spill response plan and facilities on board to contain and remediate any discharge from the Mobile Food Service Vehicle. In the event of a spill, operators are required to immediately call the City of Paris Fire Department to assist in the clean-up of spills and determine the need for a more extensive response.
- L. **Waste Collection.** The area around a Mobile Food Service Vehicle operation must be kept neat and orderly at all times. Operation of a Mobile Food Service Vehicle is deemed to be acceptance by the operator of the responsibility for cleanliness of a reasonable area surrounding its operations which shall be not less than twenty feet (20') from all parts of the vehicle regardless of the occurrence or source of any waste in the area. The operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the Mobile Food Service Vehicle during the period of operation at a location. All trash, within the area of operations as set out more fully hereinabove, regardless of the source, must be removed and all garbage, trash, and trash receptacles must be removed prior to departure of a Mobile Food Service Vehicle from a location.
- M. **Signage.** Mobile Food Service Vehicle are limited to signs mounted to the exterior of the unit and one (1) sandwich board sign with dimensions no larger than two feet (2') by four feet (4') per side. All signs mounted to the unit shall be mounted flat against the unit and not project more than six inches (6") from the exterior of the unit. Sandwich Board signs shall not obstruct or impede pedestrian or vehicular traffic.
- N. **Alcohol Sales.** Food Trucks may not sell alcoholic beverages, except as may be periodically allowed by State Law and City Ordinance. Ice Cream Trucks are prohibited from the sale of alcoholic beverages.
- O. **Insurance Requirement.** Mobile Food Service Vehicles shall obtain, at a minimum:
 - 1. Motor vehicle liability insurance coverage of \$250,000.00 per individual, \$500,000.00 per occurrence, and \$250,000.00 property damage
 - 2. General and product liability insurance coverage of \$300,000.00 per occurrence and \$600,000.00 aggregate.
 Proof of insurance shall be provided to the City. In the event the required coverage is not properly maintained, the operator's Mobile Food Service Permit shall be immediately revoked. Failure of the operator to notify the City of any change in coverage will preclude the operator from obtaining a permit for a period of six months from the City learns of the failure to provide the required notification.

5-1506. Mobile Food Service Permits. A Mobile Food Service Permit shall be required as follows:

- A. **Permit Required.** No Mobile Food Service Vehicle may operate within the City without a Mobile Food Service Permit issued by the City. The Mobile Food Service Permit must be prominently displayed when the Mobile Food Service Vehicle is in operation.

- B. **Application.** A Mobile Food Service Vehicle operator shall apply for a Mobile Food Service Permit by payment of a \$50.00 application fee and submitting a completed application form which shall include the following information:
1. The name and address of the owner of the vehicle.
 2. The name and address of the operator of the vehicle.
 3. Three (3) color photographs of the exterior (front, side, and back) of the vehicle together with color photographs of the interior food service portion of the vehicle in its final condition. Said pictures shall show all markings under which the vehicle shall operate.
 4. A copy of the vehicle license and registration form containing the vehicle identification number (VIN) of the Mobile Food Service Vehicle.
 5. A copy of the applicable state and/or county health department license.
 6. A copy of the Fire Marshall's inspection report.
 7. A copy of the operator's Tennessee Business License issued by the City of Paris and Henry County or operator's home base county.
 8. A copy of the insurance policy required by 5-1505. O.
- C. **Issuance.** A Mobile Food Service Permit shall be issued upon full completion and review of the application required by this section.
- D. **Expiration.** A Mobile Food Service Permit shall be issued for the calendar year from January 1st to December 31st and may be renewed annually provided all City requirements are met and the license has not been suspended or revoked.
- E. **Permit Renewal.** In addition to the application fee provided in A. above, a Permit Fee of \$50.00 shall be charged upon issuance of the Permit as provided in C. above. A Renewal Fee of \$50.00 shall be charged annually when a Renewal Permit is issued. This Permit Fee shall not be prorated.
- F. **Transferability.** A Mobile Food Service Permit may not be transferred.
- G. **Enforcement.**
1. Operation without a permit. Any Mobile Food Service Vehicle operating without a valid permit shall be deemed a public safety hazard and may be ticketed and impounded. The penalty for operating without a permit is fifty dollars and no/100 (\$50.00) per occurrence. An operator may operate no more than one (1) hour after any such citation. If such prohibited conduct continues then additional citations may be issued each hour that a continuing violation occurs.
 2. A Mobile Food Service Vehicle in violation of the provisions of this Chapter may be cited by the appropriate City employee for any violations of this Chapter. Any violation of this Chapter may be cause for suspension or revocation of a Mobile Food Service Permit.
 3. Suspension. A Mobile Food Service Permit shall be suspended until reinstatement upon issuance of a citation for any of the following reasons:
 - (a) The required vehicle license, health permit, or business tax license for the operator of the Mobile Food Service Vehicle has expired or been suspended, revoked, or otherwise terminated;
 - (b) The operator fails to obtain or maintain the insurance coverages required by this Section.
 - (c) Violation of the provisions of 5-1504 or 5-1505 concerning operation of a Mobile Food Service Vehicle.

4. Revocation. The City shall revoke a Mobile Food Service Permit after two (2) suspensions within a twelve (12) month period for any of the suspensions provisions listed hereinabove. Provided, however, a permit may be revoked, at the discretion of the City Manager or the City Manager's designee if the operator operates in an unlawful manner with such manner constituting a breach of the peace, interferes with normal use of City right-of-way or otherwise constitutes a menace to the health, safety, or general welfare of the public. (Ord. #1217, 11/2/2017)