

ORDINANCE 2017-01

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY ADDING A NEW ARTICLE TO CHAPTER 18 THEREIN, PROVIDING FOR THE REGULATION OF MOBILE FOOD VENDORS

WHEREAS, the number of mobile food vendors in the middle Tennessee area has grown significantly, presenting both opportunities and challenges for local governments; and

WHEREAS, the Brentwood Municipal Code does not currently address mobile food vending; and

WHEREAS, it is appropriate to establish reasonable regulations to govern mobile food vending in the City of Brentwood, in an effort to provide reasonable opportunities for mobile food vendors to operate within the City; and

WHEREAS, the City further finds that such regulations are needed in order to protect the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1: That Chapter 18 of the Code of Ordinances of the City of Brentwood is hereby amended by adding a new article, to be designated as Article VI and to read as follows:

ARTICLE VI. MOBILE FOOD VENDORS

Sec. 18-181. – 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.

Sec. 18-182. – 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:

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.

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.

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

Food truck rally permit means a permit issued by the city for a food truck rally.

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.

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.

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

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.

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.

Sec. 18-183. – Generally.

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

(b) 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.

(c) 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.

Sec. 18-184. – Locations and hours of operation.

(a) *Food trucks.*

(1) *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 section 18-185(b) herein. Operation of food trucks within city parks shall be subject to rules and regulations established by the park board. 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.

(2) *Private property.* A food truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under Chapter 78 (Zoning) of this Code, 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 shall be made available to the city immediately upon request.

- b. *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.
- c. *Maximum number of food trucks.* No more than two food trucks may operate at any location unless a food truck rally permit has been issued.
- d. *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.

(3) *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.

(b) *Canteen trucks.*

- (1) *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 section 18-185(b) herein. Operation of canteen trucks within city parks shall be subject to rules and regulations established by the park board. 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.

- (2) *Private property.* A canteen truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under Chapter 78 (Zoning) of this Code, subject to the following conditions:
- a. *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.
 - b. *Unimproved properties.* A canteen truck may operate on an unimproved parcel only if the parcel or an adjoining parcel is undergoing construction activity.
 - c. *Placement on lot.* Canteen trucks shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.
- (3) *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 hour during a day.

(c) *Ice cream trucks.*

- (1) *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 section 18-185(b) herein. Operation of ice cream trucks within city parks shall be subject to rules and regulations established by the park board. 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.
- (2) *Private property.* An ice cream truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under Chapter 78 (Zoning) of this Code, subject to the following conditions:
- a. *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.
 - b. *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.

- c. *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.
- (3) *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.

Sec. 18-185. – Operating 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 and may not operate in any manner that is not compatible with the purpose for which the vehicle has been designed and constructed.
 - (2) *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.
- (b) *Right-of-way.*
 - (1) 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 Chapter 70 (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.
 - (2) 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) 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.

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

- (1) Impedes the ingress to or egress from another business or otherwise causes undue interference with access to another business; or
- (2) Blocks the lawfully placed signage of another business.
- (3) Prevents access to another business by emergency vehicles.

(d) *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.

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

(f) *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.

(g) *Noise.* No sounds that are prohibited by chapter 42, article VI, division 2 of this Code may be produced by a mobile food service vehicle's operations.

(h) *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.

(i) *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.

(j) *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 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.

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

(l) *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.

(m) *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.

(n) *Insurance.*

- (1) Mobile food service vehicles must maintain all motor vehicle insurance coverage required by applicable state and federal laws and regulations.
- (2) 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.

(o) *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.

(p) *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 chapter 78 of this Code.

Sec. 18-186. – Mobile food vendor permits.

(a) *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 hours, provided that the mobile food service vehicle is not open to or serving the general public.

(b) Application.

- (1) 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:
 - 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.
- (2) Submittal of an application for a mobile food vendor permit must be accompanied by payment of an application fee in the amount of \$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 \$100.00.
- (3) 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.

(c) *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.

(d) *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 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 12 months. The fee for renewal shall be the same as the application fee for a new mobile food vendor permit.

(e) *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.

(f) *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 hours, provided that the operations must comply with the location and hours of operation requirements set forth in section 18-184 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.

Sec. 18-187. - Food truck rally permits.

(a) *Applicability/approval.* All food truck rallies on public or private property require a food truck rally permit. The permit administrator shall oversee the issuance of food truck rally permits and the enforcement of food truck rally regulations and permit conditions. Issuance of a permit for a food truck rally shall be subject to the approval of:

- (1) The planning commission, for any food truck rally that will involve more than ten mobile food service vehicles or is part of an event that would otherwise require planning commission approval.
- (2) The park board, for any food truck rally within a city park. For food truck rallies involving more than ten mobile food service vehicles within a city park, the approval of both the park board and the planning commission shall be required.

- (3) The permit administrator, for any food truck rally not requiring park board or planning commission approval.
- (b) *Application.*
- (1) In order to obtain a food truck rally 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:
- a. Name and address of the owner of the entity or organization hosting the food truck rally.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Written description of the plans for the food truck rally, including parking locations, traffic control plans and the anticipated hours of operation.
 - f. 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.
- (2) Submittal of an application for a food truck rally requiring the approval of the planning commission must be accompanied by payment of the required planning commission application fee. Submittal of an application for a food truck rally not requiring planning commission approval must be accompanied by payment of an application fee in the amount of \$50.00.
- (3) An application for a food truck rally permit requiring the approval of the planning commission shall be filed with the permit administrator in accordance with the city's schedule for submittal of items to the planning commission. An application for a food truck rally permit requiring the approval of the park board shall be filed with the permit administrator at least 30 days prior to the meeting of the park board at which the application is to be considered. An application for a food truck rally permit not requiring planning commission or park board approval shall be

filed with the permit administrator at least 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 30 days prior to a food truck rally.

(c) *Financial guarantees.*

(1) The city may establish requirements for the posting of a financial guarantee prior to issuance of a food truck rally permit to ensure that:

- a. The premises will be cleared of all debris during and after the food truck rally.
- b. Any damage to the public right-of-way resulting from the food truck rally is repaired.

(2) Financial guarantee requirements may be established by the permit administrator for food truck rallies not requiring the approval of the planning commission or the park board. For food truck rallies requiring the approval of the planning commission or the park board, financial guarantee requirements may be established by the planning commission or the park board, taking into consideration the recommendations of the permit administrator.

(3) 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.

(d) *Issuance/denial.* An application for a food truck rally permit shall be approved 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 will be in place to adequately protect the public health, safety and welfare. The decision to approve or deny a food truck rally permit shall be made by the permit administrator for applications not requiring the approval of the planning commission and/or the park board. Upon the approval of a food truck rally permit by the park board and/or planning commission as required herein and the fulfillment of all pre-requisite conditions established by the park board and planning commission, the permit administrator shall issue a food truck rally permit. If the planning commission or the park board deny approval or a food truck rally permit, the permit administrator shall notify the applicant of the denial in writing within 15 days of the denial. Decisions of the planning commission and park board shall be final. If the permit administrator denies an application for a food truck rally not requiring planning commission or park board approval, such denial shall be in writing and provided to the applicant within 15 days of receipt of the application. The decision of the permit administrator to deny a food truck rally permit may be appealed to the city manager as set forth in this article.

(e) *Conditions of approval.*

1. All food truck rally permits shall be subject to the following conditions:

- a. All participating mobile food service vehicles must hold a valid mobile food vendor permit.
- b. All lighting and electrical equipment brought to the site shall be subject to applicable permitting and inspection requirements, including payment of applicable fees.
- c. All tents, stages and other temporary facilities shall be subject to safety inspections by the city before use.
- d. 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 48 hours after the end of the event.
- e. 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 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.

- (2) 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, and insurance requirements.

Sec. 18-188. – Enforcement.

(a) *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:

- (1) 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.
- (2) Continuation of temporary mobile food service vehicle operations beyond the

time period authorized by staff.

- (3) Holding a food truck rally without a permit or failing to comply with the conditions of approval for a food truck rally permit.
- (4) Failure to comply with any other provision of this article.

(b) *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:

- (1) The operator of a mobile food service vehicle.
- (2) An employee working at a mobile food service vehicle.
- (3) The owner of the property on which a mobile food service vehicle is operated.
- (4) The entity or organization hosting a food truck rally, or the person in charge of the food truck rally.

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

- (1) The applicant for the permit knowingly provided false information on the application.
- (2) Two violations of this article have occurred within a six-month period in conjunction with the mobile food service vehicle for which the permit has been issued.
- (3) 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.

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

- (1) Four violations of this article have occurred within a 12-month period.
- (2) 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.

(e) *Reinstatement.*

- (1) *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 \$500 to offset the city's cost of enforcement measures, inspections and compliance verifications.

(2) *Revoked permit.* An operator whose mobile food vendor permit has been revoked may apply for a new permit after 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 \$500 to offset the city's cost of enforcement measures, inspections and compliance verifications.

(3) 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 12 months.

(f) *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.

Sec. 18-189. – Appeals.

(a) *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 business days following receipt of the notice of denial, suspension or revocation. For food truck rallies requiring the approval of the planning commission, the planning commission's decision shall be final.

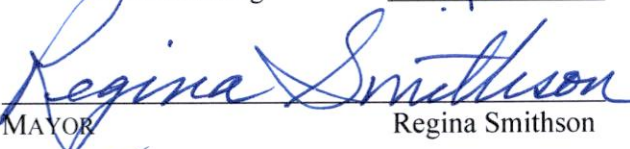
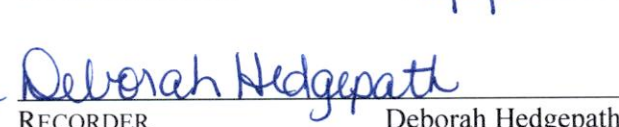
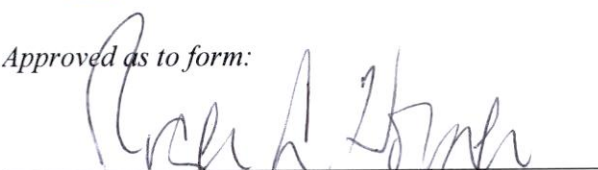
(b) *City manager's review.* When an appeal is filed with the city manager as set forth herein, the city manager may request such additional information from the operator and the permit administrator as may be deemed necessary. At the city manager's discretion, the appeal may be decided based on the 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.

(c) *Refunds.* There shall be no refund of an application fee for a mobile food vendor permit or food truck rally 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.

SECTION 2. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

SECTION 3. If any section, subsection, clause, 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, subsection, clause, provision or portion of this ordinance.

SECTION 4. That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED:	1st reading	<u>1/10/2017</u>	PLANNING COMMISSION	<u>n/a</u>
	2nd reading	<u>2/27/2017</u>	NOTICE OF PASSAGE	
			Notice published in:	<u>Williamson Tennessean</u>
			Date of publication:	<u>3/5/2017</u>
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	Date of publication:	<u>n/a</u>		
	Date of hearing:	<u>n/a</u>	EFFECTIVE DATE	<u>3/5/2017</u>
 MAYOR		Regina Smithson	 RECORDER	Deborah Hedgepath
Approved as to form:				
 CITY ATTORNEY		Roger A. Horner		