ORDINANCE 24-18

AN ORDINANCE TO AMEND TITLE 9 OF THE NOLENSVILLE MUNICIPAL CODE TO ADOPT CHAPTER 4, MOBILE FOOD VENDING

WHEREAS, the Town of Nolensville recognizes the growing popularity of the mobile food vending industry in the community and the opportunity they provide to increase economic vitality and entrepreneurship in the community and expand the culinary selections available to citizens; and

WHEREAS, the Board of Commissioners adopted Ordinance 21-16 in May 2021 to amend the Zoning Ordinance to provide regulations for mobile food vending to maintain the health, safety, and welfare of citizens; and

WHEREAS, Town staff recommends the adoption of regulations for mobile food vending in the Nolensville Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nolensville, Tennessee that:

SECTION 1. Title 9 of the Nolensville Municipal Code is hereby amended to adopt Chapter 4, Mobile Food Vending, as contained in Exhibit "A" attached hereto.

SECTION 2. Ordinance 21-16 is hereby repealed in its entirety.

SECTION 3. This ordinance shall become effective on May 1, 2025, after its passage and adoption, the public welfare demanding it.

Approved by the Board of Commissioners

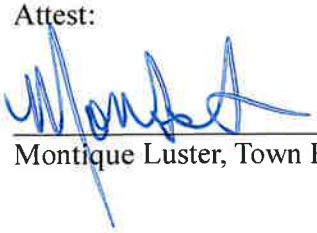
Mayor

12-5-2025
First Reading

4-3-2025
Public Hearing

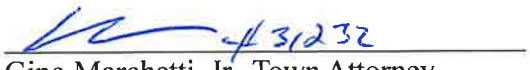
5-1-2025
Second Reading

Attest:



Montique Luster, Town Recorder

Approved by:



Gino Marchetti, Jr., Town Attorney

EXHIBIT "A"

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

4. MOBILE FOOD VENDING.

CHAPTER 4

MOBILE FOOD VENDING

SECTION

9-401. Purpose.
9-402. Definitions.
9-403. Permit requirements.
9-404. Operational requirements.
9-405. Compliance with health regulations.
9-406. Compliance with fire and public safety regulations.
9-407. Insurance.
9-408. Complaints.
9-409. Appeals.

9-401. Purpose. It is the purpose of this Chapter to protect the public health, safety and general welfare of individuals and the community at large, to establish uniform regulations for the operation of Mobile Food Vehicles, and to enhance economic and entrepreneurial opportunities within the Town.

9-402. Definitions. For the purpose of this Chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" connote mandatory and not discretionary; the word "may" be permissive. The following definitions shall apply in the interpretation of this chapter, whether capitalized or not, and in any regulations promulgated hereunder, unless specifically stated otherwise.

(1) *Canteen truck* means any vehicle that operates to provide food service to workers at locations where food is otherwise unavailable, from which vendors sell food that requires no on-site preparation or assembly, other than the heating of pre-cooked foods. Canteen vehicles shall not require a mobile food vending permit.

(2) *Catering* means the provision of food and drink at a private event or other gathering where no sales of food to the public occurs.

(3) *Commissary* means a fixed, non-mobile establishment or any other place used for the storage of supplies, the preparation of food to be sold or served at or by a mobile food vendor, or the cleaning and servicing of the mobile food vehicle.

(4) *Ice cream truck* means any operable vehicle from which an operator sells only pre-packaged frozen products, soft serve, or hand-dipped frozen products. Ice cream trucks shall not require a mobile food vending permit.

(6) *Mobile food owner or vendor* means any person or entity selling food or drinks from a mobile vehicle, including, but not limited to a food truck, trailer, pushcart or ice cream truck.

(7) *Mobile food vehicle* means an enclosed unit, truck, or trailer that is roadworthy, has a valid motor vehicle title and registration, and has a license that is properly displayed and from which food is prepared, cooked, assembled, or stored with the intent to sell such food to the public. This definition does not include pushcarts.

(8) *Mobile food vehicle — "In operation"* means a mobile food vehicle that when arriving to an approved private property or site is either preparing to open for business, open for business, or in the process of preparing to leave a site, and shall return to an approved, state-inspected commissary or other Town of Nolensville permitted location.

(9) *Mobile food vending permit* means any permit granted by the Town of Nolensville for the operation of a mobile food vehicle. canteen vehicles and ice cream vehicles shall not require a mobile food vending permit.

(10) *Private property* means real property owned by an individual or individuals having exclusive rights to it and which is not owned by a public entity.

(11) *Public property* means real property owned by the Town of Nolensville or Williamson County, including public and private right-of-way/streets designed for motor vehicles.

(12) *Right-of-way* means an area owned or maintained by the city, county, the State of Tennessee, federal government, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

(13) *Sidewalk clear zone* means any portion of the right-of-way that is intended for pedestrian traffic along the sidewalk or a multiuse path. The minimum width and location of the clear zone shall be determined by the paved area of any sidewalk or pathway within the right-of-way, however, in all instances it must be a minimum of 48 inches in width, and compliant with the Americans with Disabilities Act for public sidewalk accessibility.

(14) *Special event* shall be as defined and regulated in the Town of Nolensville Municipal Code.

(15) *Special event permit* means any permit approved by the Town of Nolensville authorizing the holding of a special event as defined in Town of Nolensville Municipal Code.

(16) *Unimproved property* means any property that does not have ingress and egress through a driveway of an approved material and does not contain a building that may be occupied pursuant to applicable building codes.

9-403. Permit requirements.

(1) It shall be a violation to engage in mobile food vending in the Town of Nolensville, whether on public or private property, unless authorized by the Town of Nolensville through:

(a) The issuance of a mobile food vending permit; and
(b) Having obtained all necessary business licenses and any applicable permits, licenses, or certifications from the State of Tennessee or Williamson County which includes the Williamson County Health Department; and
(c) The operation of the mobile food vehicle on private property within industrial, commercial, office, mixed use, and civic and institutional zoning districts as described in the Town of Nolensville Zoning Ordinance with written permission from the property owner.
(d) Operating as part of a Special event as defined in Town of Nolensville Municipal Code. No mobile food vending permit shall be required for operation as part of a Special event.
(e) Operating as part of a private event/party hosted by a homeowner's association or similar neighborhood organization within a residential neighborhood or subdivision or, as part of a private party at a single residence.

(2) Prior to operating a mobile food vehicle as defined in this chapter, operators shall obtain a mobile food vending permit from the Town of Nolensville. A mobile food vending permit shall only be granted after a mobile food vending permit application has been approved. There is a non-refundable $250.00 fee for an annual food vending permit and a non-refundable $50.00 fee for a temporary 3-day food vending permit. Annual permits shall be valid from January 1 until December 31 of the same calendar year regardless of issue date. Permit fees will not be prorated based on date of permit issuance. Failure to obtain the necessary permit will result in the assessment of a double permit fee. The permitting process shall be required for each individual mobile food vehicle that is to operate within the Town of Nolensville. Mobile food vending permits are non-transferable.

(3) The vendor shall submit a mobile food vending permit application containing the following:

(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.

9-404. Operational requirements.

(1) A Mobile Food Vendor may operate on public or private property, including in 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 neighborhood including a homeowner association event, the Mobile Food Vendor must have the express, written consent of the owner of the property in question and/or the Homeowner's Association, 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.

(2) A mobile food vendor must not park a mobile food vehicle overnight at any location where said vehicle is visible in an unobstructed line of sight extending from an observer's eye to the vehicle from the edge of Nolensville Road or a public arterial street or roadway as categorized in Town's adopted Major Thoroughfare Plan , except to the extent permitted by the Town for a special event.

(3) A mobile food vendor themselves may provide at most table seating for no more than eight (8) people.

(4) A mobile food vendor must not locate within 300 feet of a permanent brick and mortar restaurant establishment unless the mobile food vendor is provided with written notarized permission from the affected restaurant establishment(s).

(5) Mobile food vendors operating at a location for a duration of more than three (3) hours must have a written agreement, available upon request by the Town, that permits mobile food vendor employees to have access to permanent restroom facilities no more than one hundred fifty (150) feet from the vending location during all hours of operation.

(6) A Mobile Food Vendor must have parking available on site the location of which must not create a building code or municipal code violation. The location of a Mobile Food Vehicle on private or public property must not create a violation of any building code, Municipal Code, or Zoning Ordinance such as the minimum

number of parking spaces required, creating a fire or other safety hazard, or any other restrictions or requirements.

(7) 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.

(8) A mobile food vendor shall not block any portion of any sidewalk, whether through signage, canopies, awnings and/or seating.

(9) A mobile food vendor shall not be parked so as to create a line-of-sight hazard, meaning impeding a pedestrian, cyclist, or vehicle's ability to see other traffic hazards.

(10) A mobile food vendor may not park on unimproved property.

(11) 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.

(12) A mobile food vendor is responsible for ensuring that the site, within a 50-foot radius of the mobile food vehicle, remains free of debris and trash. A trash receptacle shall be provided by the mobile food vendor for customers and shall be regularly emptied.

(13) In the event the mobile food vendor permit fails to state the hours during which sales are permitted, the hours of sale shall be 7:00am to 8:00pm.

(14) No mobile food vendor may operate their vehicle or create any other sounds, that violate the Town's noise ordinance or that otherwise constitute a nuisance.

(15) 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 enforced by the town's fire department. All mobile food vehicles must be equipped with fire extinguishers that are inspected annually and certified as meeting local and state standards. No power cord, cable or equipment shall be extended across any public street, sidewalk, or other public property.

(16) Cooking equipment located outside the mobile food vending vehicle must be specifically approved by the Town and any such equipment must be roped off, creating a minimum 3-foot separation from the equipment to any potential customer.

(17) Signage. Permitted signage may include affixed signs on the exterior of the mobile food unit, and one (1) menu or sandwich board style sign, not to exceed two and one-half feet in width by three and one-half feet in height and may be placed outside the accompanying mobile food vehicle only during hours of operation.

(18) Mobile food vendors shall not sell alcohol or alcoholic mixed beverages, except as may be specifically allowed by applicable state law and town ordinance.

9-405. Compliance with health regulations. Valid health inspection certifications acquired in accordance with the State of Tennessee shall serve as certification of inspection for operation in the Town of Nolensville.

9-406. Compliance with fire and public safety regulations. Any mobile food vendor operating a mobile food vehicle in the Town of Nolensville shall comply with the requirements of the International Fire Code adopted by the Town of Nolensville, any other regulatory fire code as adopted by the Town of Nolensville, and any additional rules and regulations adopted by the Town of Nolensville Fire Department for the operation of mobile food vehicles. Prior to the issuance of a mobile food vending permit, mobile food vehicles shall be subject to inspection by the Town of Nolensville Fire Marshal.

9-407. Insurance. A mobile food vendor owner shall maintain a liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Tennessee, protecting the mobile food vehicle vendor, the public and the town from all claims for damage to property and bodily injury, including death, which may arise from the operation under or about the permit. The insurance shall also name the town as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the town. Failure to maintain required insurance coverage is grounds for vendor permit revocation.

9-408. Complaints. Should the Town of Nolensville observe a mobile food vendor in violation of this chapter, the enforcing officer, or their designee, may seek resolution through the issuance of a notice of violation to parties involved in the operation of the mobile food vending unit, including, but not limited to the operator or owner of the unit, as well as the property owner where the violation occurred. The enforcing officer also has the discretion to suspend or revoke a mobile food vending permit when a mobile food vendor and/or owner are found in violation of this chapter.

9-409. Appeals. Mobile food owners and vendors who have received a notice of violation or have had their mobile food vending permit suspended or revoked, may file a written request for appeal with the Town Manager requesting an appearance before the Town of Nolensville Board of Commissioners to request reinstatement of their mobile food vending permit. Such a request shall provide a thorough justification of the request. Requests for appeals shall be scheduled within 45 days of receipt, beginning with a Board of Commissioners work session followed by consideration during a properly noticed formal meeting of the Board of Commissioners.