

CHAPTER 7

MOBILE FROZEN DESSERT VENDORS AND FOOD TRUCKS

SECTION

- 9-701. Definitions.
- 9-702. Requirements.
- 9-703. Sales on streets and public property.
- 9-704. Mobile food vendors on private property.
- 9-705. Permit.
- 9-706. Permit renewal.
- 9-707. Permit and decal.
- 9-708. General requirements of mobile food vendor vehicles.
- 9-709. Inspections.
- 9-710. Exemptions.
- 9-711. Penalties.

Purpose. The Town finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the town. 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.

9-701. 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:

(1) "Mobile food vendor" is defined as any person selling food and/or drink from a mobile vehicle, including a food truck, food trailer and ice cream truck.

(2) "Mobile food service vehicle" is defined as a vehicle that returns daily to its base of operations and is used either in the preparation or sale of food or drink products, or both.

(3) "Food truck" is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking and selling various types of food and/or drink products other than exclusively ice cream and related frozen products.

(4) "Food trailer" is defined as a detached trailer that is equipped with facilities for preparation, cooking and selling various types of food and/or

drink products.

(5) "Ice cream truck" is defined as a motor vehicle containing a commercial freezer from which a vendor sells only frozen, pre-packaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar frozen items.

(6) "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.

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

(8) "Mobile food vendor permit" means a permit issued by the Town for the operation of a mobile food service vehicle valid for not more than 2 weeks per permit. Permits for food trucks are valid for 24 hours during Special Events only.

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

(10) "Operator" means any person operating or permitted to operate a mobile food service vehicle.

(11) "Permit administrator" means the Town's Recorder who oversees the issuance, suspension and revocation of mobile food vendor permits.

(12) "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.

9-702. Requirements.

(1) Licenses and permits. It shall be unlawful for any person to engage in business as a mobile food vendor in the Town of Arlington without first obtaining a business license and a mobile food vendor's permit. Any permits, licenses, and certifications required by the Shelby County Department of Health and/or State of Tennessee for operation of the business are also required. Town of Arlington transient vendor licenses will not be required for those business owners residing in the State of Tennessee and/or businesses based in Tennessee. State transient vendor licenses will be required for owners of businesses residing outside of Tennessee and/or businesses based outside of Tennessee as required by the State of Tennessee. Upon being granted a mobile food vendor permit, a mobile food vendor must comply with

the rules and regulations herein.

(2) Insurance. At the time of the application for a mobile food vendor license, the mobile food vendor must provide proof of valid automobile liability insurance in an amount required by law for operation of the applicable mobile food vendor vehicle(s). Failure to maintain this insurance when acting as a mobile food vendor will result in immediate revocation of the mobile food vendor license.

(3) Litter receptacles. Each licensed mobile food vendor must maintain for customer use a litter receptacle of sufficient size to accept the litter being generated by the sales from the vendor's mobile food vehicle at the point of sales. The receptacle must be maintained in such a manner as to preclude an overflow of refuse. Each mobile food vendor shall pick up litter which is associated with the vendor's sale in the vicinity of the vendor's mobile food vehicle prior to departing a sales location. A pattern of leaving excessive litter caused by product packaging shall be basis for suspension or revocation of the mobile food vendor license.

(4) What can be sold. Mobile food vendors shall be limited to edibles and hot and cold beverages containing no alcohol. The sale of non-food or drink items from mobile food vendor vehicles shall be limited to merchandise displaying the mobile food company logo and/or branding.

(5) No seating and tables. There shall be no benches, tables, chairs or other furniture which may be used for eating or sitting provided by or associated with a mobile food vendor vehicle.

(6) Fire extinguishers and fire suppression systems. All food trucks and food trailers must be equipped with a fire extinguisher that is certified annually by a licensed company. Additionally, food trucks and food trailers that produce grease laden vapors (i.e. units with deep fat fryers or flat-top griddles) must have a fire suppression system certified bi-annually by a licensed company.

(7) Placement. Mobile food vendor vehicles shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers.

(8) Pedestrian only. Mobile food vendor vehicles shall serve pedestrians only; drive-through or drive-in services are hereby prohibited.

(9) Health regulations. All mobile food vendors and their mobile food vendor vehicles must be in compliance with all applicable health regulations for Shelby County and the State of Tennessee relating to food safety and preparation.

(10) Noises. Other than ice cream trucks being able to play a song associated with its business at a reasonable level of sound, no mobile food vendors shall sound any device which produces an offensive or loud noise to

attract customers, and mobile food vendors shall not use a public-address system on the vehicle to broadcast and advertise products.

(11) **No parking in fire lanes.** No mobile food vendors shall park in fire lanes.

(12) **Signs.** Signs which are permanently affixed to the mobile food vendor vehicle shall extend no more than six inches (6") from the vehicle. Except as stated herein, all signs shall be attached or painted on the mobile food vendor vehicle. Electronic signs are prohibited as are signs that flash, reflect motion pictures, emit smoke or vapor, or produce any rotation, motion or movement. Each food truck or food trailer is permitted one sandwich board type sign located within ten feet (10') of the applicable food truck or food trailer for advertisement purposes while the food truck or food trailer is open for business. Such sandwich board sign shall be no more than forty-eight inches (48") high and contain no more than seven (7) square feet.

9-703. Sales on streets and public property.

(1) **Ice cream trucks.** The hours of operation for ice cream trucks are between 9:00 **A.M.** and sunset as stated for that day for the Arlington area by the National Weather Service. Ice cream trucks may vend on public streets so long as they remain mobile and only make stops of ten (10) minutes or less at one(1) location.

(2) **Food trucks and food trailers.** Food trucks and food trailers are prohibited from selling food on any public street, sidewalk, alley, trail or right-of-way or any town owned or controlled property including, but not limited to, parks unless approved by the town as part of a town permitted special event. All mobile food vendors must comply with all rules, regulations and requirements related to the town permitted special event, including but not limited to, provisions as to where the mobile food vendors will be located, how long the mobile food vendors can be present at the location, and how many and which food trucks can participate in the town permitted special event.

9-704. Mobile food vendors on private property. Mobile food vendors are prohibited from conducting business on private property unless it is a catered event where all monies expensed are by the property owner and all attending parties are known to the property owner in connection with said event or Town permitted Special Event.

9-705. Permit. Applicants for a permit under this section shall file with the Town Recorder a sworn application in writing on a form to be furnished by the Town Recorder. Submission of false or misleading information will result in revocation of the permit and a ban on receiving

future permits. The application shall provide the following:

- (1) The name and contact information of the applicant.
- (2) The applicant's permanent street address, mailing address and email address.
- (3) The applicant's telephone numbers including a cell phone number if available.
- (4) A brief description of the nature of the business and of the goods to be sold.
- (5) A copy of the vehicle registration for any mobile food vendor vehicle and proof of automobile insurance for the mobile food vendor vehicle.
- (6) A copy of the business license, proof of State of Tennessee sales tax registration, and any health department license or certification required by Shelby County Department of Health or the State of Tennessee.
- (7) State of Tennessee and Town of Arlington transient vendor licenses will be required for businesses based outside of the State of Tennessee and/or for owners of businesses residing outside the State of Tennessee.
- (8) Color photograph(s) of the mobile food vendor vehicle's interior and exterior.
- (9) Permission to obtain a background check of owner(s) of mobile food vendor vehicles. The Town reserves the right to reject an applicant if he or she (or in the case of an LLC or corporation, its owner(s)),
 - (a) Is a registered sex offender;
 - (b) Has been convicted of a felony in the past ten years;
 - (c) Has a chronic history of an unreasonable number and kind of moving vehicle violations as determined by the Recorder; or
 - (d) Presents an unreasonable public health and safety risk based on past criminal history as determined by the Recorder.

The applicant owner must also acknowledge and affirm his, her or its duty as hereby required by this code to perform background checks on each of his employees or agents operating the mobile food vendor vehicle permitted herein. The applicant must acknowledge and affirm that he, she or it will not allow an employee or agent to work in the town as a mobile food vendor if such employee or agent is a registered sex offender or if he or she has been convicted of a felony within the past ten years.

- (10) Payment of an application fee of one hundred dollars (\$100.00). No refunds will be issued.

(11) Such other relevant information as may be reasonably requested by the town after review of submission of the material in order to assure full review of the information needed to assess the impact of the proposed operation on the health, safety and well-being of the public.

9-706. Permit renewal. A permit issued under this section shall be valid for the length of the event, as determined by the Town Administration office not to exceed two weeks. A permit shall be valid for only one (1) mobile food vendor vehicle. Each operator and/or applicant shall file additional application and pay an additional permit fee for each additional mobile food vendor vehicle. No refunds will be issued for renewed permits.

9-707. Permit and decal. Each applicant upon being issued a permit under this section shall also be issued a decal which the mobile food vendor must display on the right front windshield's lower corner on each mobile food vendor vehicle or at such other location on the vehicle as the town in writing shall approve.

9-708. General requirements of mobile food vendor vehicles. All exterior bodywork and mechanical equipment of a mobile food vendor vehicle shall be maintained in good condition, free of excessive wear, tear or damage. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents and abrasions. All windshield and window glass of mobile food vendor vehicles shall be maintained free of cracks, scratches, pitting, abrasions and other conditions that may cause a hazard or reduce clarity of vision.

9-709. Inspections.

(1) Department of health primary. Nothing in this section shall be construed as limiting or replacing the role of the Tennessee Department of Health and Shelby County Health Department which have the primary task of inspecting mobile food vendor vehicles.

(2) Entry. The Town Recorder and other officials shall have the right at any time after displaying proper identification to enter into or upon any mobile food vendor vehicle for the purpose of ascertaining whether or not any provisions of this section are being violated and for general inspection purposes.

(3) Shut down. Any mobile food vendor vehicle which is found after any town inspection to be unsafe or not compliant with this section may have their permit revoked and not be issued another until the deficiency is corrected.

9-710. Exemptions. Mobile food vendors that are part of and participating in a town permitted event may not be required to comply with all requirements of this chapter as far as participation in such event is concerned.

9-711. Penalties. Violations of this chapter are subject to the general penalty clause for the Town of Arlington. The town may also suspend or revoke permit and decal issued hereunder for violation of this chapter.