CITY OF CHATTANOOGA

OFFICE OF THE CITY TREASURER
101 E 11TH ST, ROOM 100
CHATTANOOGA, TN 37402-4284

MOBILE FOOD UNIT PERMIT APPLICATION

CITY OF CHATTANOOGA CITY CODE ORDINANCE NO. 13348.
ORDINANCE AMENDING CHATTANOOGA CITY CODE CHAPTER 11
SECTION 11-281, AND CHAPTER 20, ARTICLE VII, SECTIONS 20-146 - 20-153

PLEASE REMIT $50 FOR THE PERMIT FEE

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

_____

APPLICANT PHONE NUMBER: _____ EMAIL: _____

OWNER NAME: _____

OWNER ADDRESS: _____

_____

PHONE NUMBER: _____ EMAIL: _____

TYPE OF FOOD SOLD: _____

_____

VEHICLE VIN #: _____

MAKE/ MODEL OF VEHICLE: _____

PLEASE ATTACH ALL SUPPLEMENTAL DOCUMENTS

FOR OFFICE USE ONLY

_____ MOTOR VEHICLE REGISTRATION

_____ 2 VEHICLE PHOTOS IN FINAL VISUAL FORM

_____ COPY OF BUSINESS LICENSING

_____ COPY OF INSURANCE

_____ COPY OF HEALTH INSPECTION

_____ COPY OF FIRE INSPECTION

First Reading: August 7, 2018
Second Reading: August 14, 2018

ORDINANCE NO. 13348

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, CHAPTER 11, SECTION 11-381 RELATING TO VENDING ON PUBLIC PARK PROPERTY, AND CHAPTER 20, ARTICLE VII, SECTIONS 20-146 THROUGH 20-153 RELATING TO MOBILE FOOD UNITS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE That Chattanooga City Code, Chapter 11, Section 11-381, is amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 11-381. Vending on public park property.

(a) Other than vending from authorized Mobile Food Units within valid MFU Zones in the City, no person shall vend on any public park property without a permit issued by the Director of Open Spaces, in the 21st Century Waterfront Area along Riverfront Parkway between Market Street Bridge and Olgiati Bridge; on First Street; along the sidewalk connections between Walnut Street and Market Street adjacent to First Street Steps; on the Walnut Street Bridge and its approaches on the north and south between Frazier Avenue and Second Street; on the Holmberg Bridge; and on the city owned property adjacent to the Hunter Museum, except at the following seven (7) locations as generally shown on the map attached hereto and incorporated herein by reference:

1) The approach to the Walnut Street Bridge south of Frazier Avenue;

2) The approach to the Walnut Street Bridge along the east side of Walnut Street;

3) The approach to the Walnut Street Bridge along the south side of Walnut Street;

4) The approach to the First Street Steps to the east of Market Street;

5) An area to the west of "The Passage";

6) An area of Ross's Landing Park north of the Chestnut Street intersection with Riverside Drive;

7) An area north of Riverside Drive near the steps going down to the Riverboat dock.

(b) The Director of Open Spaces shall from time to time advertise for and accept proposals from persons who require permits pursuant to Subsection (a) and who desire to provide vending in the areas identified in Subsection (a). At a minimum the persons desiring to vend in the identified areas shall include within their proposals the following:

1) Submit that they have or shall acquire before beginning to vend all legally required licenses and permits;

2) Submit with the response to a request for proposals a picture and written description of the vending cart and equipment it proposes to use;

3) Submit with the response a complete listing of products it proposes to provide for sale;

4) Submit with the application the proposed prices of items to be vended; and

5) Submit a financial proposal to pay the City for the privilege of vending on property owned by the City.

(c) The Director of Open Spaces shall review the responses to the requests for proposals and in addition to verifying the requirements set forth in subsection 11 shall evaluate the responses upon the following factors:

1) The appropriateness of the items for the locale, the uniqueness of items sold, and the reasonableness of the proposed prices, and;

2) Customer service experience with the vendor or the vendor's reputation for customer service;

3) Years the vendor has been in business;

4) The appearance of equipment;

5) The quality of merchandise;

6) The availability of the proposer's preferred site or alternate sites;

7) The proposed hours of operation; and

8) Such other factors as the Director of Open Spaces shall deem advisable to maintain the unique character of this area and to protect the public health, safety and welfare.

(d) The Director of Open Spaces may grant or deny a permit in his discretion. The Director may revoke a permit previously granted if the vendor fails to maintain all required licenses and permits; fails to properly pay the City; changes equipment, products or prices without approval of the Director; fails to maintain reasonable hours of operation; or becomes subject to citizen complaints about the operation of the business.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Chapter 20, Sections 20-146 through 20-151, is amended by deleting same in its entirety and substituting in lieu thereof the following:

DIVISION 3. - MOBILE FOOD UNITS

Sec. 20-146. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Commissary" means any State of Tennessee licensed stationary food establishment that serves mobile food dispensers, mobile food facilities, vending machines or other food dispensing operations where (i) food, containers, or supplies are stored; (ii) food is prepared or prepackaged for sale or service at other locations; (iii) utensils are cleaned; or (iv) liquid and solid wastes are disposed of or potable water is obtained.

"Mobile food unit" means any motorized vehicle or trailer that exceeds four (4') feet in width, five (5') feet in height, or six (6') feet in length that includes a self-contained kitchen in which food is prepared or processed and from which food is sold or dispensed to the ultimate consumer. Mobile food units must be mobile and on wheels at all times during operation. Mobile food units must be removed from authorized operating locations in permitted zones when not in use. This definition does not include vehicles operating under a special event permit or waterfront concession agreement.

"Operator" means any person holding a mobile food unit permit or any person who is engaged in the selling or offering for sale, of food, beverages, fruit or like consumable products from a mobile food unit.

"*Sidewalk clear zone*" means that portion of the right-of-way that is intended for pedestrian traffic along the sidewalk. The minimum width and location of the clear zone shall be determined by the paved area of any sidewalk within the right-of-way, however, in all instances it must be a minimum of forty-eight (48") inches of width and otherwise compliant with the Americans with Disabilities Act (ADA) for public sidewalk accessibility. In areas of congested pedestrian activity in the Form Based Code District, a wider minimum portion of the sidewalk may be required. The location of the clear zone shall be consistent for the entire block, and in most instances it shall be required to be located immediately adjacent to the facade of adjoining

properties. The clear zone must at all times be free from any items, obstacles, or barriers so as to allow clear movement for pedestrians along the public right-of-way.

Sec. 20-147. Mobile Food Units.

Mobile food units shall meet all applicable requirements of this Article in addition to the requirements as follows:

(a) No person shall engage in the business of a mobile food unit within the City of Chattanooga without first having obtained all required business licenses, a mobile food unit permit as required by Section 20-148 of the Chattanooga City Code, and any permits, licenses and/or certifications required by Hamilton County, the Hamilton County Department of Health, and/or the State of Tennessee.

(b) A mobile food unit permit, as authorized by the State of Tennessee and the Chattanooga City Code, will not be issued to a person unless the following conditions are met:

(1) The vehicle must be specially designed as a mobile food unit and be in compliance with all applicable health regulations for Hamilton County and the State of Tennessee.

(2) The driver of the vehicle must have a current valid driver's license, current vehicle insurance (including liability insurance) and current vehicle registration as required by Tennessee law and enforced by law enforcement authorities.

(3) The vehicle may only operate in locations where the operation of mobile food units are permitted under this Division and local zoning ordinances. Violations will be enforced by local zoning inspectors.

(4) All current permits must be posted in a conspicuous manner in such a manner that they can be viewed from the outside.

(c) The provisions of Article VII, Division 3 shall not apply to festivals, community-wide projects, and other community-sponsored sales which may occur on a periodic basis and which are submitted to and approved by appropriate authorities.

Sec. 20-148. Permit Requirements.

(a) The title of this permit shall be the "Mobile Food Unit Permit."

(b) No person shall sell, or offer for sale, any food, beverage, fruit, or like consumable product from any mobile food unit unless:

(1) Such person obtains a mobile food unit permit from the city treasurer in accordance with the provisions of this Division;

(2) Such sales are made from a mobile food unit under the control of a mobile food unit operator; and

(3) The mobile food unit operator has obtained written permission from the owner or lessee of the private property on which the mobile food unit is located to operate on mobile food unit from the property or has otherwise complied with this Division for mobile food unit operations on public property and right-of-way.

(c) Any person desiring a mobile food unit permit shall make written application to the city treasurer stating:

(1) Name, home address, business address, and telephone number of the applicant and the name, address, and telephone number of the owner of the mobile food unit, if other than the applicant, to be used in the operator's business;

(2) A description of the type of food, beverage, fruit, or like consumable product to be sold; and

(3) The VIN#, a brief description including make and model, and at least two (2) photographs of the mobile food unit.

(d) Before any permit is issued by the city treasurer under this Division, the applicant must submit satisfactory evidence that he has complied with the state business tax act, all state statutes and regulations controlling health and dispensing of food, and the fire safety regulations set forth in Section 20-151 of the Chattanooga City Code. Nothing herein shall excuse any applicant/operator from complying with all applicable state statutes and city ordinances controlling health standards and requirements and the operation of businesses.

(e) Upon compliance with the provisions of this section, the city treasurer shall issue to the applicant a mobile food unit permit authorizing the operator to do business upon payment of a permit fee of fifty dollars ($50.00); provided, the applicant complies with the other provisions of this article. The permit fee shall be used to help defray the cost of administering and enforcing the provisions of this article.

(f) A permit issued under this article shall be valid for one (1) year from the date of issuance and shall be renewed on an annual basis (concurrent with the renewal and issuance of business licenses) upon proper application and payment of the permit fee. Each permit shall be valid for only one (1) mobile food unit. Each operator and/or applicant shall file an additional application and pay an additional permit fee for each additional mobile food unit.

(g) All permits issued under this article shall be displayed inside the mobile food unit at all times during the operation of the mobile food unit. The permit shall be displayed in such a manner that it can be viewed from the outside.

(h) The Mobile Food Unit Permit number shall be prominently displayed on the outside of the mobile food unit.

(i) The operator shall have posted the current price per unit or measure for each type of item sold.

Sec. 20-149. Operational Requirements.

(a) Mobile food units are prohibited from operating upon city streets, sidewalks or public property within the Chattanooga city limits, except in Mobile Food Unit (MFU) Zones as approved by the Chattanooga Department of Transportation and in compliance with rules and regulations established by the mayor or his designated representative. Also, in city Parks or Youth and Family Development Center property located in the area of the city designated by the shaded area shown on the attached map which is incorporated herein as Exhibit A to this Section, mobile food units may operate in city Parks with the approval of the Director of Open Spaces or his/her designated representative and in a city Youth and Family Development Center facility with the approval of the Director of Youth and Family Development or his/her designated representative.

(1) Within MFU Zones the proposed locations of operation must be designated and no mobile food unit operations may occur within one hundred (100') feet of the nearest property zoned R-1, R-2, R-3, or R-4.

(2) MFU Zones may be established by applying to the Chattanooga Department of Transportation. A one hundred ten dollars ($110.00) fee to help defray the cost of administering and enforcing the provisions of this article must accompany each application for the establishment of a MFU Zone.

(3) An applicant for the establishment of a MFU Zone shall notify the Council Member for the Council District within which the proposed MFU Zone is to be located of the application and submit proof of said notification to the Chattanooga Department of Transportation.

(b) Mobile food units are prohibited from operating on private property, except with prior written permission from the owner or lessee of the private property on which the mobile food unit is to be located.

(c) Mobile food units operating on property outside City right-of-way may only operate on privately owned properties not zoned R-1, R-2, R-3, or R-4, or in city Parks or Youth and Family Development Centers.

(d) Mobile food units located on private property must not be parked within ten (10) feet of a City right-of-way.

(e) Mobile food units located on private or public property may not sell or dispense anything during hours as defined by city code or between the hours of 3:00 a.m. and 6:00 a.m. and must be removed from the property during those times.

(f) No mobile food unit shall be equipped with any external electronic sound-amplifying device. No operator shall shout, make any noise or use any device for the purpose of attracting attention to the mobile food unit or the items it offers for sale.

(g) Mobile food units shall be limited to the sale of food and non-alcoholic drinks. The sale of other merchandise or services will not be permitted.

(h) Cooking must not be conducted while the vehicle is in motion.

(i) When not in use as allowed by Section 20-149(e), a mobile food unit shall be *en route* to or parked at its commissary or other location approved by the Hamilton County Health Department that does not violate an applicable City ordinance.

(j) Signs which are permanently affixed to the mobile food unit shall extend no more than six (6") inches from the vehicle. All signs shall be attached to or painted on the mobile food unit. Electronic signs are prohibited, as are signs that flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion or movement. Signs may be indirectly illuminated, but no sign shall utilize any exposed incandescent lamp with wattage of more than forty (40) watts.

(k) The operator must provide for the sanitary collection of all refuse, litter and garbage within twenty-five (25') feet of the mobile food unit which is generated by the mobile food unit operation or the patrons using that service and shall remove all such waste materials from the location before the vehicle departs. This includes a responsibility to physically inspect the general area for such items prior to the vehicle's departure.

(l) The food production and transaction operation of the mobile food unit is limited to the interior of the unit. Other accessory items that are portable (*i.e.*, folding tables and chairs) may be used on private property as allowed by the owner/lessee of the property, applicable zoning and other laws or on city right-of-way in locations approved by the Chattanooga Department of Transportation. Sidewalk clear zones may not be obstructed.

(m) The mayor or his designated representative is hereby authorized to make and promulgate rules and regulations for the purpose of carrying out the administration and enforcement of the rights and duties of vendors and the public.

Sec. 20-150. Compliance with health regulations.

(a) Operators of mobile food units shall comply with all regulations and laws governing mobile food service establishments and food service establishments adopted by the department of public health for Hamilton County and enacted by the State of Tennessee.

(b) Operators of mobile food units shall obtain all necessary health certificates and permits.

(c) Operators of mobile food units shall comply with the requirements for the examination of employees as required by Division 2 of this Article.

Sec. 20-151. Compliance with fire safety regulations.

(a) The Chattanooga Fire Department shall inspect any mobile food vehicle using propane or compressed natural gas with a Type I or Type II exhaust hood or fire suppression system.

(b) Cooking Equipment. All cooking appliances must be listed by Underwriters Laboratories or NSF International for mobile applications for the appropriate fuel and be clearly marked with the appropriate rating sticker. All fat fryers must have a lid over the oil vat that can be secured in order to prevent the spillage of cooking oil during transit. This lid should be secured at all times when the vehicle is in motion.

(c) Propane and Natural Gas Usage. Propane and natural gas tanks shall be shut off while mobile food vehicle is in motion unless the tank is equipped with an impact detection shut off device approved by the U.S. DOT. Propane and natural gas tanks must always be shut off while the vehicle is unattended and/or in overnight storage.

(d) Automatic and Manual Shutoffs. Each gas-fired appliance shall be equipped with an automatic device designed to shut off the flow of gas to the main burner and pilot in the event the pilot flame is extinguished (Modified from NFPA 58—5.20.7A). The main system shutoff valves located on or closest to the fuel tanks and sufficient to stop the supply of fuel from all fuel tanks must be clearly marked with the words "PROPANE AND NATURAL GAS SHUTOFF VALVE" permanently affixed to the outside of the vehicle in reflective decal material with letters 2" high at minimum. Installed height of the Automatic and Manual Shutoff shall be no less than 20" above the top of the bumper. Piping shall meet the requirements of part 12 of this document.

(e) Fire Suppression System and Extinguishers. All mobile food vehicles must be equipped with a working Ansul R-102 or K Class automatic fire suppression system according to NFPA 96—10.2.1 and 10.2.2, which is regularly maintained according to NFPA 96—11.2.1 for the lifetime of the vehicle. All vehicles must also be equipped with no less than one 10 BC-rated fire extinguisher, or if a deep fryer is present in the vehicle, a Class K fire extinguisher. Extinguishers must have current annual inspection tags as outlined by NFPA 10.

(f) Kitchen Exhaust Hood. Each mobile food vehicle that uses propane or natural gas for cooking must be equipped with a Type I or Type II commercial kitchen exhaust hood as defined by the 2012 International Mechanical Code. Exhaust hoods must be inspected semi-annually by a licensed HVAC professional to ensure continuing maintenance and upkeep.

(g) Ventilation System. The truck must also be equipped with a working ventilation system that meets the requirements of NFPA 96, Chapter 5. This ventilation system must be in operation at all times when the cooking equipment of the truck is being used. All fan systems in the cooking area of the truck must have a minimum combined cubic feet per minute rating equal to twice the volume of the interior of the truck as measured in cubic feet.

(h) All mobile food vehicles must be equipped with a working carbon monoxide detector that meets standards set forth in NFPA 1192—6.4.6.

(i) Piping. All propane and natural gas piping must be constructed and installed in accordance with NFPA 58—6.23.5. All propane and natural gas pipes and fixtures must be made

of steel, copper or brass. No plastic or rubber piping of any kind will be permitted in the truck for any purpose.

(j) Electrical Appliances and Generators. All electrical equipment and appliances must be installed in accordance with NFPA 70.

(k) List of Required Warning Labels, Placards and Tags. The following placards and tags, some mentioned elsewhere in these specifications, must be prominent and visible on the interior or exterior of the mobile food vehicle as appropriate. All signs must conform to U.S. Department of Transportation guidelines as outlined in the North American Emergency Response Guide or successor publication, or specific organizational requirements outlined here.

(1) OSHA-approved propane or natural gas 3-in-1 hazard sign placed on the outside of the vehicle as close to the tank as possible, which should include no-smoking warnings.

(2) Shutoff valve markers as outlined in Part 7.

(3) Current annual inspection date tags on fire extinguishers.

(4) UL or NSF International certification sticker for mobile applications and proper fuel source on every cooking appliance.

Sec. 20-152. Insurance.

Operators of mobile food units that operate on public property or right-of-way shall provide with their application and annual renewal application proof of an insurance policy, issued by an insurance company licensed to do business in the state, with the city as a named insured, protecting the operator and the city from all claims or suits for damages to property or bodily injury, including death, which may arise from operations under or in connection with the permit. Minimum liability limits for such insurance policy shall be not less than the minimum limits specified by Tennessee Code Annotated Section 29-20-403. Such insurance shall show paid-up premiums for a minimum of one (1) year and shall provide that the policy will not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the mayor or his designee.

Sec. 20-153. Failure to obtain Permit; Penalties.

Any violation of this Ordinance or relating to failure to obtain a Mobile Food Unit Permit shall be punishable by a fine of not more than fifty dollars ($50.00) per violation. Each occurrence of a violation shall be a separate offense and after three (3) violations, will result in revocation of the Mobile Food Unit Permit. An opportunity shall be given for a written rebuttal for the Mobile Food Unit operator after the third violation in order to express its views to re-activate its Mobile Food Unit Permit.

SECTION 3. BE IT FURTHER ORDAINED, The City of Chattanooga shall review the impact of this Ordinance after one (1) year.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect sixty (60) days from and after its passage.

Passed on second and final reading: August 14, 2018

CHAIRPERSON

APPROVED: ✓ DISAPPROVED:____

MAYOR

BB/KJR/mem/08-07-18 v3 - MEM

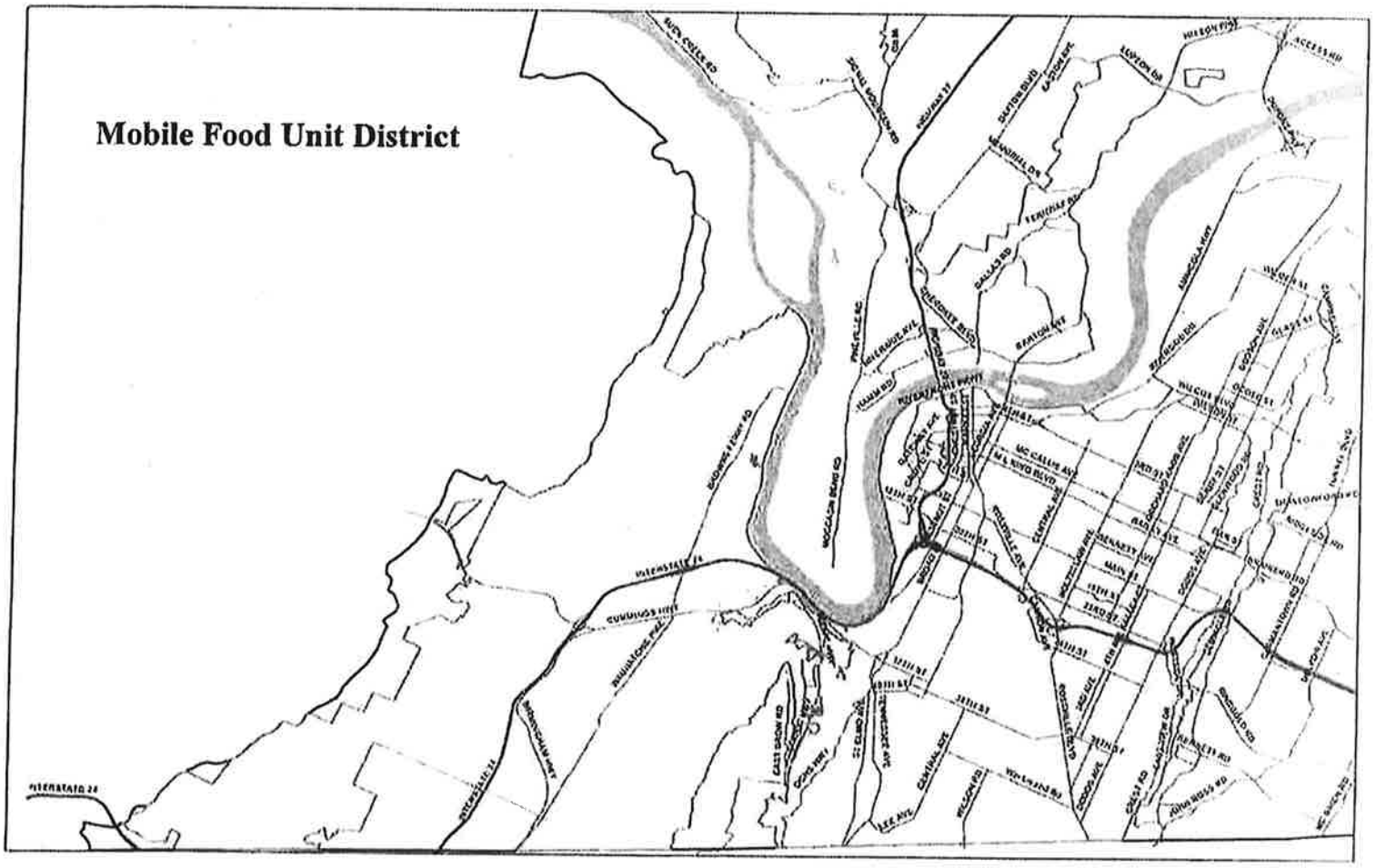

Exhibit A