

Chapter 20

HEALTH AND SANITATION¹

- Art. I. In General, §§ 20-1 – 2-20**
- Art. II. Health Nuisances, §§ 20-21 -- 20-40**
- Art. III. Contagious Diseases, §§ 20-41 -- 20-65**
- Art. IV. Mosquito Control, §§ 20-66 -- 20-85**
- Art. V. Rat Control in Business Buildings,
§§ 20-86 -- 20-110**
- Art. VI. Lead Substances Control, §§ 20-111 -- 20-130**
- Art. VII. Food Service Establishments,
§§ 20-131--20-151**
 - Div. 1. Generally, §§ 20-131 -- 20-140
 - Div. 2. Examination of Employees,
§§ 20-141 -- 20-145
 - Div. 3. Mobile Food Units, §§ 20-146 – 20-151

ARTICLE I. IN GENERAL

Sec. 20-1. Sanitary inspections to be made.

The sanitary inspectors of the county department of health may enter and make thorough inspections of all premises in the city as often as such inspections are deemed necessary by the county director of health, and may enter and inspect any premises in the city at other times if such premises are reported to the director to be or are believed by him to be in a condition prejudicial to health.

(Code 1986, § 20-1)

Cross reference--Municipal inspection department, § 2-421 et seq.

Sec. 20-2. Right of entry of health officer, assistants.

For the purpose of enforcing the provisions of this chapter, the county director of health or his assistants may at all reasonable times enter in and upon any premises in the city.

(Code 1986, § 20-2)

Sec. 20-3. Interfering with inspecting officer.

It shall be unlawful for any person to interfere with the county director of health or his assistants in inspections made by them to preserve the public health and safety.

¹ **Cross references--**Occupational safety and health program for city employees generally, § 2-271 et seq.; air pollution, Ch. 4; alcoholic beverages, Ch. 5; animals and fowl, Ch. 7; garbage and refuse, Ch. 18; traffic accidents, § 24-151 et seq.; sewers, mains and drainage, Ch. 31; swimming pools, Ch. 33; water, Ch. 36.

State law reference--Municipal maintenance of county health departments, T.C.A. § 68-2-605.

CHATTANOOGA CITY CODE

(Code 1986, § 20-3)

Secs. 20-4 – 20-20. Reserved.

ARTICLE II. HEALTH NUISANCES²

Sec. 20-21. Defined.

Whenever any premises in the city are not maintained in a sanitary condition as provided by the laws of the state, this Code and other ordinances of the city relating to sanitation, and, in the opinion of the county director of health, have become a menace to the public health, such premises shall be declared to be nuisances.

(Code 1986, § 20-21)

Cross reference--Definitions and rules of construction generally, § 1-2.

Sec. 20-22. Maintenance prohibited.

It shall be unlawful for any person owning or occupying premises in the city, or in control thereof, to permit such premises to be maintained in a condition which constitutes a nuisance, as defined in section 20-21 of this Code.

(Code 1986, § 20-22)

Sec. 20-23. Notice to abate required; posting.

The county director of health shall post a notice or cause the same to be posted in a conspicuous place on premises that are being maintained in a condition which constitutes a nuisance. Such notice shall not be less than eight and one-half (8 1/2) inches by eleven (11) inches in size. It shall call attention to the part of the premises on which the nuisance exists, and shall state that the condition constituting a nuisance shall be abated at the expense of the owner at the expiration of fifteen (15) days from the date of such notice, if such condition is not sooner corrected by the owner, occupant, or person in control of such premises.

(Code 1986, § 20-23)

Sec. 20-24. Service of notice on owner or occupant.

A copy of the notice required by section 20-23 of this Code shall be served upon the owner of the premises or his agent, and in the event that neither the owner nor his agent can be found, the notice shall be served by leaving it with the occupant of the premises, if any.

² **Cross reference**--Mosquito control, § 20-66 et seq.

HEALTH AND SANITATION

(Code 1986, § 20-24)

Sec. 20-25. Hearing on notice.

Any owner aggrieved by the determination of the county director of health that a nuisance is maintained on his premises may, within five (5) days from the date of the service of such notice, appear before the city council at a time and place to be specified in such notice and be heard. At the hearing the county director of health shall present the facts concerning the condition of the premises, and the owner thereof may present evidence and shall be entitled to be represented by counsel if he so desires. At such hearing the city council shall either confirm, modify or set aside the determination of the county director of health.

(Code 1986, § 20-25; Ord. No. 9654, § 134, 1-6-92)

Sec. 20-26. Abatement by city.

If, at the expiration of the time given an owner to abate a nuisance in the notice to abate, such owner has failed or refused to correct the condition complained of, such condition shall be corrected and the nuisance abated at the expense of the owner under the direction of the county director of health.

(Code 1986, § 20-26)

Sec. 20-27. Collection of expense of abatement; lien.

When any nuisance has been abated by the city as provided herein, the county director of health shall certify the amount of the expense incurred in abating the same to the mayor, who shall direct the city attorney to bring suit by attachment or otherwise to collect the same, and the city shall have a lien on the property to secure the amount expended by it in abating such nuisance which shall be superior to all other contractual liens.

(Code 1986, § 20-27)

Sec. 20-28. Weeds and noxious growths.

Any growth of weeds to a height of over ten (10) inches and any rank vegetable growth which harbors mosquitoes or emits unpleasant and noxious odors on any premises in the city is hereby declared to be a nuisance within the meaning of section 20-21 of this Code, and subject to the provisions of this article.

(Code 1986, § 20-28)

Secs. 20-29 -- 20-40. Reserved.

CHATTANOOGA CITY CODE

ARTICLE III. CONTAGIOUS DISEASES³

Sec. 20-41. Regulatory powers of county director or health.

The county director of health may establish and enforce the observance by the inhabitants of the city of such sanitary regulations as he may deem best calculated to guard against epidemics of infectious, contagious or malignant diseases, and prevent or check their extension.
(Code 1986, § 20-41)

Sec. 20-42. Duties of police.

The police department shall enforce a strict observance of the laws of the state and any sanitary regulations promulgated by the state board of health or by the county director of health for the prevention or control of infectious, contagious or malignant diseases.
(Code 1986, § 20-42)

Sec. 20-43. Failure to comply with regulations, orders; obstructing officers.

It shall be unlawful for any person to neglect or refuse to obey any regulation or order of the county director of health authorized under section 20-41 of this Code, or to interfere with or obstruct such officer or his assistants in the performance of their duties in relation thereto. Any person guilty of a violation of any such regulation or order may, in addition to any other penalty provided by law, be placed in detention on the order of the director for a period of at least twenty (20) days.
(Code 1986, § 20-43)

Sec. 20-44. Examinations for tuberculosis; detention of infected persons.

The county director of health shall make or cause to be made such examinations of any person whom he may reasonably suspect of having tuberculosis in the infectious stage as may be necessary to determine the condition of such person, and shall quarantine or isolate any person who, upon examination, is found to have tuberculosis in the infectious stage, in such institution, home or other place as he may select.
(Code 1986, § 20-44)

³ **Charter references--**For authority to regulate and prevent contagious diseases, see § 2.1(5); for authority to prevent spread of venereal diseases, see § 2.1(58).

State law references--Prevention of diseases, T.C.A. § 68-5-101 et seq.; control of venereal diseases, T.C.A. § 68-10-101 et seq.

HEALTH AND SANITATION

Sec. 20-45. Places of detention for persons with venereal diseases designated.

The detention home for women at Silverdale, Tennessee, is hereby designated as a place of detention for women infected with communicable venereal diseases and the county jail and the city jail are hereby designated as places of detention for men infected with such communicable diseases, when such persons are quarantined by the county director of health.

(Code 1986, § 20-45)

Sec. 20-46. Typhoid fever-Immunization of schoolchildren required.

All children of school age, before entering any school in the city, shall be immune to typhoid fever. No child shall be considered immune unless he has been given three (3) injections of typhoid vaccine within a period of thirty (30) days, or unless such child has been immunized by another method recognized and approved by the county director of health. Such immunization shall be given by or under the direction of a licensed physician, or by or under the direction of the county director of health. Such immunization shall be repeated at intervals of not more than three (3) years.

(Code 1986, § 20-46)

Sec. 20-47. Same-Proof of immunization of schoolchildren.

No child shall be considered immune to typhoid fever unless he or his parent or guardian furnishes the county director of health with satisfactory proof of such immunization. A written certificate from any licensed physician showing the date of immunization shall be considered sufficient proof thereof.

(Code 1986, § 20-47)

Sec. 20-48. Same-Liability of parent or guardian.

It shall be unlawful for the parent or guardian of any child to fail to have such child immunized as provided herein before entering such child in any school in the city.

(Code 1986, § 20-48)

Sec. 20-49. Vaccination of schoolchildren and teachers for smallpox-Required.

Every teacher and pupil shall, before entering any school in the city, furnish a certificate from a reputable physician certifying that such teacher or pupil has been successfully vaccinated or is immune to smallpox because of having had the disease or a previous successful vaccination, or entitled to exemption by reason of peculiar physical condition or who, in the opinion of the director of health, would be injuriously affected because of physical condition by vaccination.

CHATTANOOGA CITY CODE

Such vaccination shall be under the direction of a licensed physician or by order under the direction of the county director of health.

(Code 1986, § 20-49)

Sec. 20-50. Same-Liability of parent or guardian.

It shall be unlawful for the parent or guardian of any child to fail to have such child vaccinated as provided in the preceding section before entering such child in any school in the city.

(Code 1986, § 20-50)

Secs. 20-51 -- 20-65. Reserved.

ARTICLE IV. MOSQUITO CONTROL⁴

Sec. 20-66. Collections of water in which mosquitoes breed to be treated.

(a) It shall be unlawful for any person in the city to have, keep, maintain, cause or permit any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.

(b) Collections of water in which mosquitoes breed or are likely to breed are those contained in ditches, ponds, pools, excavations, holes, depressions, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters or other similar water containers.

(Code 1986, § 20-66)

Sec. 20-67. Larvae evidence of breeding.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there.

(Code 1986, § 20-67)

Sec. 20-68. Approved methods of water treatment.

Collections of water in which mosquitoes breed or are likely to breed shall be treated by such one (1) or more of the following methods as shall be approved by the county director of health:

⁴ **Cross reference--**Health nuisances generally, § 20-21 et seq.

HEALTH AND SANITATION

- (1) Screening with wire netting of at least sixteen (16) mesh to the inch each way, or any other material which will effectually prevent the ingress or egress of mosquitoes.
- (2) Complete emptying every seven (7) days of unscreened containers, together with their thorough drying or cleaning.
- (3) Use of a larvicide approved and applied under the direction of the county director of health.
- (4) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven (7) days.
- (5) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.
- (6) Filling or draining to the satisfaction of the county director of health.
- (7) Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles, and similar articles likely to hold water.

(Code 1986, § 20-68)

Sec. 20-69. Responsibility for condition of premises.

For the purposes of this article, the person responsible for the condition of any premises on which there is a collection of water in which mosquitoes breed or are likely to breed is the person using or occupying such premises; or in case no person is using or occupying the premises, the person who by law is entitled to the immediate possession of the same; or, in case the premises are used and occupied by two (2) or more tenants of a common landlord, or from grounds appurtenant to a house occupied by two (2) or more tenants of a common landlord, then the landlord. Each tenant, however, shall be responsible for that part of the premises which he occupies to the exclusion of other tenants; provided that, in case the premises are occupied by a tenant under a yearly or monthly tenancy, or under a lease for not more than a year, or under any lease whereby the lessor is expressly or impliedly obligated to keep the premises in repair, and the collection of standing or flowing water in which mosquitoes breed or are likely to breed is owing to the disrepair of the building or to any natural quality of the premises, or to any condition that existed at the time when the tenant entered into possession, or to anything done on the premises by the landlord during the existence of the tenancy or lease, then the landlord is the person responsible; provided, further, that, any person who has caused to exist on any premises of which he is not the owner, landlord, occupant or tenant any collection of water in which

CHATTANOOGA CITY CODE

mosquitoes breed or are likely to breed shall be responsible, as well as the owner, landlord, tenant or occupant, as the case may be.

(Code 1986, § 20-69)

Sec. 20-70. Abatement of condition as nuisance.

If the person responsible for the condition of premises on which mosquitoes breed or are likely to breed fails or refuses to take necessary measures to prevent their breeding after notice in writing has been posted, as provided in section 20-23 of this Code, within such time after such notice as may be specified in the notice, such person shall be guilty of a violation of this Code and such condition may be abated by the city as provided in article II of this chapter.

(Code 1986, § 20-70)

Secs. 20-71 – 20-85. Reserved.

ARTICLE V. RAT CONTROL IN BUSINESS BUILDINGS⁵

Sec. 20-86. Definitions.

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

Business building. Any structure, whether public or private, that is adapted for occupancy for transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotels, apartment buildings, tenement houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, factories and all outhouses, sheds, barns, and other structures on premises used for business purposes.

Health officer. The county director of health or any duly authorized person who may represent him.

Occupant. The person who has the use of or occupies any business building or a part or fraction thereof, whether the actual owner or tenant. In the case of vacant business buildings or any vacant portion thereof, the owner, agent or other person having custody of such buildings shall have the responsibility of an occupant of a building.

⁵ **Cross reference--**Businesses, trades and occupations generally, Ch. 11.

HEALTH AND SANITATION

Owner. The actual owner of the business building or the agent or other person having custody of the building or to whom rent is paid therefor.

Rat harborage. Any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside of a structure of any kind.

Rat stoppage or ratproofing. Such terms shall apply to a form of ratproofing to prevent the ingress of rats into business buildings from the exterior or from one business building to another. It consists essentially in rendering all actual or potential openings in the exterior walls, ground or first floors, basement, roofs and foundations, that may be reached by rats from the ground by climbing or by burrowing, secure with material impervious to rat gnawing.
(Code 1986, § 20-86)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 20-87. Business buildings to be ratproof, ratfree.

All business buildings in the city shall be ratproofed, freed of rats and maintained in a ratproof and ratfree condition under the direction and supervision of the health officer.
(Code 1986, § 20-87)

Sec. 20-88. Duty to ratproof buildings notice; appeals; city may do work when owner fails to do so.

Upon receipt of a written notice or written order from the health officer, the owner of any business building specified therein shall take immediate measures for ratproofing the building. If the owner of such building does not deem it necessary that the building be ratproofed or that it is already ratproofed in its existing condition, he may, within ten (10) days after the giving of the written notice or order, appeal to the city council and present evidence as to the condition of the building. The city council shall determine whether or not the building specified in the notice or order is a ratproof building, and if not shall order the owner to take immediate steps for ratproofing the building. The city council may give such owner not to exceed ten (10) days to begin the necessary work for the ratproofing of such building. If the owner fails or refuses to take the necessary steps and do the work necessary for ratproofing the building within the time allowed, the city may do or cause to be done the work necessary to ratproof such building and charge the cost and expense thereof against the owner, which charge and expense shall be a lien on the property, which lien shall be superior to all other liens, except liens for state, county and city taxes and special improvement assessments, which lien may be enforced by the city in any court of competent jurisdiction. The owner of such building shall also be guilty of a misdemeanor.

(Code 1986, § 20-88; Ord. No. 9654, § 2, 1-6-92)

CHATTANOOGA CITY CODE

Sec. 20-89. Notice of infestation; duty of occupant to institute eradication measures; city may do work.

Whenever the health officer notifies the occupant of a business building that there is evidence of rat infestation of the building, such occupant shall immediately institute appropriate measures for freeing the premises of all rats. Unless such measures are instituted within three (3) days after receipt of notice and continuously maintained thereafter in a satisfactory manner until the building is free of rats, the health officer shall free the building of rats at the expense of the owner thereof. The health officer shall submit bills for the cost thereof to the owner or occupant of the building, and if the same are not paid within sixty (60) days from the completion of such work, he shall certify the amount due from the owner or occupant to the city attorney, who shall bring suit to collect the same.

(Code 1986, § 20-89)

Sec. 20-90. Ratproofed buildings to be maintained in ratproof condition.

The occupants of all ratproofed buildings shall maintain the premises in a ratproof condition and shall repair all breaks or leaks that may occur in the ratproofing unless such breaks or leaks develop as the result of natural deterioration of the building.

(Code 1986, § 20-90)

Sec. 20-91. Inspections; notice to abate improper conditions.

The health officer may make such unannounced inspections of the interior and exterior of business buildings as in his opinion may be necessary to assure full compliance with this chapter.

The health officer shall make periodic inspections at intervals of not more than forty-five (45) days of all rat-stopped buildings for evidence or rat infestation and the existence of new breaks or leaks in the ratproofing thereof, and when any evidence is found indicating the presence of rats or openings through which rats may again enter business buildings, the health officer shall serve the owners or occupants thereof with notice to abate the conditions found.

(Code 1986, § 20-91)

Sec. 20-92. When cement floors to be laid or harborage corrected.

Whenever conditions inside or under business buildings provide such extensive harborage of rats that the health officer deems it necessary to eliminate such harborage, he may require the owner to install suitable cement floors in basements or to replace wooden first or ground floors or require the owner or occupant to correct such interior rat harborage as may be necessary in order to facilitate the eradication of rats in a reasonable time.

(Code 1986, § 20-92)

HEALTH AND SANITATION

Sec. 20-93. Removal, restoration of ratproofing.

It shall be unlawful for the occupant or owner or any contractor, public service corporation or other person to fail to restore in a satisfactory condition any ratproofing removed by him or it or to make any new openings that are not closed or sealed against the entrance of rats.

(Code 1986, § 20-93)

Sec. 20-94. Storage of animal feed.

All food and feed kept within the city for feeding chickens, cows, pigs, horses and other animals shall be kept and stored in ratfree and ratproof containers, compartments or rooms, unless such food and feed is kept in a ratproof building.

(Code 1986, § 20-94)

Sec. 20-95. Accumulations of lumber, boxes, barrels, etc.

It shall be unlawful for any person to permit to accumulate and remain on any premises in the city, improved or vacant, owned or occupied by him, or on any public or private street, any lumber, boxes, barrels, bricks, stones or similar materials, unless the same is placed on open racks that are elevated not less than eighteen (18) inches above the ground, and evenly piled or stacked so that such materials will not afford harborage for rats.

(Code 1986, § 20-95)

Secs. 20-96 – 20-110. Reserved.

ARTICLE VI. LEAD SUBSTANCES CONTROL

Sec. 20-111. Title.

This article shall be known and may be cited and referred to as the "Lead Poisoning Ordinance."

(Code 1986, § 20-111)

Sec. 20-112. Definitions.

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

CHATTANOOGA CITY CODE

Approval. Satisfactory compliance as determined by the director, department of public health, or the housing inspector.

Director. That person who heads the public health department, or his designated representative.

Dwelling, dwelling unit, rooming house, and rooming unit. A building or structure which is wholly or partly used or intended to be used for living, sleeping, cooking or recreation, by human occupants.

Extractable or leachable lead. A quantity of lead in solution form as applied to food containers, cooking, eating or drinking utensils or tablewares which exceeds 7.0 micrograms per milliliter.

Facility. Any building or structure and equipment therein.

Lead paint. Any pigmented, liquid substance applied to surfaces by brush, roller, spray or other means in which the total nonvolatile ingredients contain more than one-half percent of lead by weight, calculated as lead metal either as a liquid or as dried film already applied.

Premises. A lot, plot or parcel of land including all facilities thereon.

Substance. Shall include, but not be limited to, lead bearing putty, ceramics, plumbing, sealers, paint and similar items.

Surfaces. Shall include, but not be limited to, such areas as window sills, window frames, doors, door frames, walls, ceilings, porches, stairs, handrails, toys, furniture, food utensils and other appurtenances.

(Code 1986, § 20-112)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 20-113. Prohibited use of lead paint.

It shall be unlawful for any person in the city to use or apply, or cause to be used or applied, lead paint, as defined in this article, or any substance containing lead in excess of one-half percent by weight to interior surfaces and to those exterior surfaces accessible to children of any premises, dwelling, dwelling unit, rooming house, rooming unit or facility occupied or used by children.

(Code 1986, § 20-113)

HEALTH AND SANITATION

Sec. 20-114. Prohibited distribution of toys, furniture, food containers, utensils and tableware.

(a) It shall be unlawful for any person to sell, transfer, disperse, give or deliver toys or furniture to which lead paint has been applied.

(b) It shall be unlawful for any person to sell, transfer, disperse, give or deliver any container containing substances designed for oral use or ingestion, cooking, eating, or drinking utensils or tableware have extractable or leachable lead on it or in it.

(c) It shall be unlawful for any person to sell or offer to sell or distribute any foodstuff or articles contaminated with lead that will endanger the health, safety and welfare of a person using same.

(Code 1986, § 20-114)

Sec. 20-115. Labeling of substances having lead content.

Containers in which substances having lead content are stored, sold, transferred or added for wholesale or retail purposes shall be labeled in conformance with state and federal laws and regulations and recommended standards of the Federal Hazardous Substance Labeling Act.

(Code 1986, § 20-115)

Sec. 20-116. Hazardous condition and notice for abatement.

(a) When the director of public health or the housing inspector determines that the presence of lead paint or lead bearing substances upon any premises creates a health hazard to children or other persons he shall issue a ten (10) day notice to the owner or occupant to eliminate the hazard; however, at the discretion of the director of public health or of the housing inspector, additional time may be granted to remove, abate, or remedy such condition, not to exceed thirty (30) days. Lead paint shall be completely removed from any source which can be chewed or eaten by children; loose, cracked, chipped, blistered, peeling lead paint or other accessible lead bearing substances shall be completely removed. In lieu of removal of the lead paint, the accessible features may be covered with an approved, durable, protective material.

(b) The methods used for the removal of lead paint shall not present a hazard to health from fumes, dust or vapors by inhalation or absorption through the skin and mucous membranes and shall be in accordance with all applicable laws, ordinances, regulations and safety standards and practices of the city and of state and federal agencies.

(Code 1986, § 20-116)

CHATTANOOGA CITY CODE

Sec. 20-117. Prohibition of eviction of occupants.

It shall be illegal for any owner or landlord found to be in violation of this article to evict, or cause to be evicted, occupants or tenants for the purpose of avoiding a corrective maintenance order by the director of public health, housing inspector, court or other appropriate authority to eliminate hazardous lead exposures.

(Code 1986, § 20-117)

Sec. 20-118. Reports.

Every public health official, physician, or director of a laboratory, hospital or other treatment facility who diagnoses or suspects the existence of lead poisoning in any person shall immediately notify, in writing, the director of public health of such fact. Notification shall include name and age of the individual, name of parents (or employer if person is an adult), and present address.

(Code 1986, § 20-118)

Sec. 20-119. Penalties.

In addition to any other sanction or remedial procedure, any owner, landlord, occupant or other person who shall violate any provision of this article, upon conviction thereof, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Each day's continuance of a violation shall constitute a separate offense, and in the case of an illegal eviction under section 20-117, each day the illegal eviction continues to exist shall constitute a separate offense.

(Code 1986, § 20-119)

Secs. 20-120 – 20-130. Reserved.

HEALTH AND SANITATION

ARTICLE VII. FOOD SERVICE ESTABLISHMENTS

DIVISION 1. GENERALLY

Secs. 20-131 -- 20-140. Reserved.

DIVISION 2. EXAMINATION OF EMPLOYEES

Sec. 20-141. Applicability.

The provisions of this division shall be applicable to all employees working in a food service establishment.

(Code 1986, § 20-141)

Sec. 20-142. Definitions.

For purposes of this article, unless otherwise specifically provided in this Code or in a code or ordinance adopted by this Code, or otherwise provided by law, the following word and phrases shall have the meanings respectively ascribed to them by this section:

Employee. Any person working in a food service establishment who transports food or food containers, who engages in food preparation or service, who comes in contact with any food utensils or equipment.

Food service establishment. Any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, private, public, or nonprofit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(Code 1986, § 20-142)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 20-143. Health certificate required.

Every employee working in a food service establishment shall have a certificate issued by the Chattanooga-Hamilton County Health Department or by another public health department or

CHATTANOOGA CITY CODE

licensed physician in the state, stating that such person has been examined and found free of tuberculosis or other obvious communicable diseases. The health department or physician shall issue to all such persons examined and found to be free of tuberculosis or other obvious communicable diseases a certificate that shall be good for a period of twelve (12) months from the date of its issue. Each such employee at or prior to the expiration of the twelve (12) months shall present himself for reexamination and obtain a new certificate.

(Code 1986, § 20-143)

Sec. 20-144. Health certificates to be maintained at the food service establishment.

Every employee shall present a copy of the health certificate required in this article to the owner or operator of the food service establishment where he is employed, and such health certificate shall be kept and maintained by the owner or operator at the food service establishment and subject to inspection by any lawful agent of the state or its political subdivisions.

(Code 1986, § 20-144)

Sec. 20-145. Health department examination fees.

The Chattanooga-Hamilton County Health Department shall charge an examination fee of five dollars (\$5.00) for each health certificate issued under this article, which fee shall be applied to the expense of such examination.

(Code 1986, § 20-145)

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 attached to a motorized vehicle 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. A trailer shall remain attached to its towing vehicle at all

HEALTH AND SANITATION

times. Mobile food units must be removed from authorized operating locations in permitted zones when not in use and between the hours of 12:00 a.m. and 6:00 a.m. This definition does not include vehicles operating under a special event permit or waterfront concession agreement. (Ord. No. 12710, § 1, 3-26-13)

“*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.

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 preparation vehicle 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 Tennessee Driver’s License, current automobile 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 compliance with T.C.A. § 68-14-305.

CHATTANOOGA CITY CODE

- (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 premises on which the mobile food unit is located to operate on mobile food unit from the property.
- (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 and all state statutes and regulations controlling health and dispensing of food. 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.

HEALTH AND SANITATION

- (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.
- (b) Mobile food units are prohibited from operating on private property, except with prior written permission from the owner or lessee on which the mobile food unit is located.
- (c) Mobile food units may only operate in certain zoning districts in allowed areas. Mobile food units may only operate on privately owned properties which are zoned either C3, C7, UGC or M-1 and which are located inside the following area:
 - (1) The entirety of that portion of downtown Chattanooga which is bounded on the north and west by the Tennessee River, on the south by Main Street from its westernmost extremity (and extended by an imaginary line

CHATTANOOGA CITY CODE

from such extremity directly to the Tennessee River) to its intersection with Central Avenue, and on the east by Central Avenue from its intersection with Main Street, thence northwardly along Central Avenue to its intersection with Blackford Street) and extended by an imaginary line directly to the Tennessee River; and

- (2) The Northshore area along Manufacturers Road, Cherokee Boulevard and Frazier Avenue.
- (d) Mobile food units must not be parked within ten (10) feet of a City right-of-way.
- (e) Mobile food units may not sell or dispense anything between 12:00 a.m. and 6:00 a.m.
- (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.

HEALTH AND SANITATION

This includes a responsibility to physically inspect the general area for such items prior to the vehicle's departure.

- (l) The operation of the mobile food unit is limited to the interior of the unit. There shall be no outside seating implements in the form of benches, tables, chairs or other furniture which may be used for eating or sitting.
- (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. Reserved.

(Ord. No. 12575, § 1, 3-20-12; Ord. No. 12710, § 3-26-13)