

1ST READING

3-13-12

2ND READING

3-20-12

ORDINANCE NO. 12575

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER 20, ARTICLE VII, BY ADDING A NEW DIVISION 3 TITLED "MOBILE FOOD UNITS", SECTIONS 20-146 THROUGH 151, AND CHATTANOOGA CITY CODE, CHAPTER 38, SECTIONS 2, 203 AND 222 RELATIVE TO ZONING FOR MOBILE FOOD UNITS.

WHEREAS, cities across the country have enjoyed the increased popularity of street food over the past few years; and

WHEREAS, citizens in this community have expressed an interest in the opportunity to establish a mobile food business while others have expressed the desire to have these additional food and location choices; and

WHEREAS, encouraging mobile food operators increases the opportunity for new business activity in the City of Chattanooga; and

WHEREAS, mobile food operators are presently doing business in the City of Chattanooga; and

WHEREAS, the City Council of the City of Chattanooga deems it in the best interest of the citizens of Chattanooga that such mobile food operations be regulated as a matter of health and public safety, and for the general welfare of the people;

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 20, Article VII. be and is hereby amended by adding a new Division 3 "Mobile Food Units," Sections 146 through 151 as follows:

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 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. This definition does not include vehicles operating under a special event permit.

"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.
- (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.
- (c) 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.

- (d) 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.
- (e) 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.
- (f) 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.
- (g) The Mobile Food Unit Permit number shall be prominently displayed on the outside of the mobile food unit.
- (h) 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 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. 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. The provisions contained in Chapter 20, Article VII, Division 3, Sections 20-146 through 20-150 relative to mobile food units shall terminate on March 31, 2013. No permits issued pursuant to this Division shall be effective after that date.

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 38, be amended by adding the definition for “Mobile Food Unit” to Section 2 and alphabetizing it accordingly, as follows:

“Mobile food unit” means any 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. This definition does not include vehicles operating under a special event permit.

SECTION 3. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 38, Section 203 be amended by adding a new subsection 18, “Mobile Food Units,” as a permitted use.

SECTION 4. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 38, Section 222 be amended by adding a new subsection 5, “Mobile Food Units,” as a permitted use.

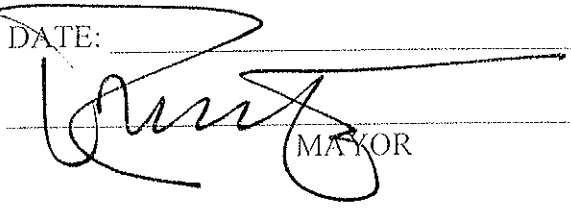
SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately after its passage.

PASSED on Second and Final Reading

March 20, 2012.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: , 2012
MAYOR

PPB/mms