


# ORDINANCE

<b>AN ORDINANCE TO AMEND TITLE 9 OF THE CITY OF SPARTA, TENNESSEE MUNICIPAL CODE FOR MOBILE FOOD VENDORS.</b>	ORDINANCE # 23-957
	Requested By: Sparta Board of Mayor & Aldermen
	Prepared By: Tonya Tindle, City Administrator
	Approved as to form and correctness:  (City Attorney)
	Passed 1 <sup>st</sup> Reading: April 6, 2023
	Passed 2 <sup>nd</sup> Reading: May 4, 2023
Minute Book 11 Page 350	

**WHEREAS**, Chapter 9 of the Municipal Code for the City of Sparta, Tennessee pertains to Mobile Food Vendors; and

**WHEREAS**, the Sparta, Tennessee Board of Mayor and Aldermen, may from time to time, amend the fee assessments pertaining to Mobile Food Vendors; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF SPARTA, TENNESSEE THAT:**

**SECTION I.** The following paragraphs of Title 9, Chapter 9, of the Sparta Municipal Code is amended to read as follows:

**9-901. (6)** "Special event" shall mean any public gathering that occurs no more than two (2) times per year specifically approved and or permitted by the City of Sparta such as a block party, local special event, parade, festival, celebration, concert, carnival, fair, exhibits, trade shows or any similar occurrence to be conducted on public or private property within the City of Sparta.


**9-903. Application for permit.** Applicants applying for a permit under this chapter shall file a sworn, written application with the city clerk's office containing the following information and such other pertinent information as may be required:

- (1) Name, date of birth, and social security number.
- (2) Driver's license or other personal identification.
- (3) Home address.
- (4) Local address, if different from home address.

  
Jerry Lowery, Mayor

ATTEST:

  
Tonya R. Lindle, City Recorder

<p style="text-align: center;"><b>AN ORDINANCE TO AMEND TITLE 9, OF THE CITY OF SPARTA, TENNESSEE, MUNICIPAL CODE PERTAINING TO MOBILE FOOD VENDORS.</b></p>	ORDINANCE # 17-912
	Requested By:
	Prepared By: Chris Dorsey, City Administrator
	Approved as to form and correctness:  (City Attorney)
	Passed 1 <sup>st</sup> Reading: December 7, 2017
	Passed 2 <sup>nd</sup> Reading: December 21, 2017
	Minute Book 11 Page 0086

**Now, Therefore, Be It Resolved by the Board of Mayor and Aldermen of the City of Sparta that Title 9 of the Sparta Municipal Code is hereby amended as follows:**

1. That Title 9, Section 9 be added as follows:

**CHAPTER 9  
MOBILE FOOD VENDORS**

**SECTION**

- 9-901. Definitions.
- 9-902. Permit required.
- 9-903. Application for permit.
- 9-904. Issuance or refusal of permit.
- 9-905. Exhibition of permit.
- 9-906. Enforcement and penalties.
- 9-907. Revocation or suspension of permit.
- 9-908. Business license purchase.
- 9-909. Special events exemption.
- 9-910. Operational requirements.
- 9-911. Use of streets/sidewalks.

**9-901. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section. The word "shall" is always mandatory and not merely advisory.

- (1) "Mobile food unit ("MFU")" is an enclosed unit, truck, or trailer, pushcart, or similar vehicle-mounted unit that:
  - (a) Is mobile or capable of being moved by a licensed motor vehicle;
  - (b) Self-contained with respect to water, waste water, and power utilities;
  - (c) Is used for the preparation, sale, or donation of on-site prepared food; and

(d) Is not a pedestrian vendor.

(2) "Mobile food vendor ("vendor")" is any individual engaged in the operation of a MFU; if more than one (1) individual is operating a single MFU, then vendor shall include all individuals operating such single MFU.

(3) "On-site prepared food" means any food or beverage that is served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on-site for consumption within the MFU by a mobile food vendor or other persons and that may be purchased at the MFU.

(4) "Pedestrian vendor" means any person who demonstrates, gives away, sells or offers for sale goods, merchandise, souvenirs, novelties, food or beverages not prepared on-site, flowers or balloons outdoors, and who may carry or display such goods or transport such goods door to door in a cart or mobile-type device.

(5) "Public property" means any property owned or maintained by the City of Sparta.

(6) "Special event" shall mean any public gathering specifically approved and/or permitted by the City of Sparta such as a block party, local special event, parade, festival, celebration, concert, carnival, fair, exhibits, trade shows or any similar occurrence to be conducted on public or private property within the City of Sparta.

**9-902. Permit required.** It shall be unlawful for any mobile food unit to operate within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter and any other city ordinance.

**9-903. Application for permit.** Applicants applying for a permit under this chapter shall file a sworn, written application with the city clerk's office containing the following information and such other pertinent information as may be required:

- (1) Name, date of birth, and social security number.
- (2) Driver's license or other personal identification.
- (3) Home address.
- (4) Local address, if different from home address.
- (5) Name, address and phone number of corporation, company, or organization the applicant is representing.
- (6) A copy of a "Tennessee Certificate of Registration" for the collection of state and local sales or use taxes for sale of tangible personal property or taxable services for customers.
- (7) A description of the nature of the business and the goods to be sold.
- (8) A description of the vehicle, including make and model, license plate number, copy of valid vehicle liability insurance certificate, and county of registration being used while in operation.
- (9) Address of each premises to be occupied for the mobile food unit.
- (10) Written consent from the owner or lessee of the premises of operation. A written letter of permission is required for each location the mobile food unit will operate. If a new location is selected, a letter of permission must be sent to the city clerk's office immediately and a new permit will be issued.
- (11) The starting date and ending date of operation of the business.

(12) The names, addresses and phone numbers of two (2) unrelated references who can certify as to the applicant's good moral reputation and business responsibility.

(13) A sworn statement as to whether the applicant and additional assistants have been convicted of any crime (felony), or misdemeanor, or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed.

(14) The last two (2) cities or towns, if any, where the applicant transacted business.

(15) A copy of the current health inspection.

(16) Applicants must submit a spill response plan for approval by the Public Works Department.

**9-904. Issuance or refusal of permit.** Each application shall be reviewed by the city clerk's office and police department. The city clerk's office shall report the results of the investigation within three (3) business days. A fee of one hundred dollars (\$100.00) shall be assessed for a thirty (30) day permit. A fee of three hundred dollars (\$300.00) shall be assessed for a one hundred and eighty (180) day permit. A fee of five hundred dollars (\$500.00) shall be assessed for a three hundred sixty-five (365) day permit. Each applicant must state and purchase the permit for the full term of their business. Permit fees are not prorated. Permit fees are non-refundable. No permit shall be transferrable.

**9-905. Exhibition of permit.** Vendors obtaining a permit are required to exhibit their permit at a visible site for the inspection of any police officer, codes enforcement officer and customer/person solicited.

**9-906. Enforcement and penalties.** (1) It shall be the duty of all police or codes officers to see that the provisions of this chapter and/or any other city ordinance that pertains are enforced.

(2) Any person violating the provisions of this chapter and/or any other city ordinance shall be punished by a fine of no more than fifty dollars (\$50.00) per day.

**9-907. Revocation or suspension of Permit.** (1) Permits issued under the provisions of this chapter may be revoked by the City Court Judge after notice and hearing for any of the following cases:

(a) Fraud, misrepresentation, or incorrect statements contained in the application for permit, or made in the course of carrying on the business of mobile food vending.

(b) Any violation of this chapter or any other city ordinance, rules or regulations that pertains.

(c) Conviction of any felony or misdemeanor.

(d) Conducting the business of mobile food vending in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(e) Operating or attempting to operate in or upon any premise wherein a sign or placard is bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

(f) Operating or attempting to operate in or upon any single-family residential premises.

(2) Notice of the hearing for revocation of a permit shall be given by the city clerk in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed to the vendor at his or her last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer or codes enforcement officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When reasonably necessary the City Administrator may suspend a permit pending the revocation hearing.

(4) Terms and length of the suspension or revocation will be determined by the City Court Judge.

**9-908. Business license purchase.**

A mobile food vendor shall be required to purchase a business license to operate in Sparta.

**9-909. Special events exemption.**

A mobile food vendor participating in a special event shall comply with all rules, regulations and requirements of the event and is exempt from having to obtain a mobile food vendor permit under this chapter. The special event sponsor, coordinator or operator shall enforce the rules for the special event.

**9-910. Operational requirements.** The following requirements apply to all mobile food units and vendors operating at any location within the City of Sparta. Additional requirements may apply.

(1) Compliance with laws. Except as provided herein, mobile food unit placement and operation must adhere to federal, state, and local laws, regulations, and policies.

(2) Items for sale. Only food and beverage items may be sold from MFUs, and the sale or distribution of alcoholic beverages is prohibited. A vendor may sell or distribute merchandise from the MFU only if the merchandise bears the logo of the vendor or MFU; all other merchandise sales are prohibited.

(3) Letter of permission. Vendors operating on private property shall obtain a letter from the property owner or lessee of the property stating that the vendor has permission to vend on the property and, if applicable, has permission to serve the operator's employees and/or customers. The vendor shall keep a copy of the permission letter on the MFU at all times and while operating, the vendor shall produce the letter upon the request of any city official acting in an enforcement capacity.

(4) Methods of support. MFUs shall be free-standing and shall not use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings.

(5) Operation of cooking equipment. Cooking must not be conducted while the vehicle is in motion.

(6) Operating distance. No MFU shall operate within two hundred fifty (250) feet of any restaurant unless approval is obtained in writing from the restaurant. No MFU shall operate within five (5) feet of another MFU or ten (10) feet of any structure. The distance will be measured from the corner of the mobile food unit to the nearest corner of an established restaurant or other mobile food unit.

(7) Operating hours. Operating a mobile food unit between the hours of 11:00 p.m. to 6:00 a.m. shall be prohibited.

- (8) Signs and flashing lights. A MFU must adhere to all city ordinances in regards to signage.
- (9) Sound amplification. A MFU or vendor shall not use sound amplification equipment for any purpose and shall comply with all city noise ordinances and regulations.
- (10) Special events. During a special event, vendors must obtain written permission to operate within the boundaries of the special event from the special event sponsor, coordinator or operator and comply with all rules, regulations and requirements of the special event. A police officer or codes officer is authorized to inspect permission forms for special events.
- (11) Spills. To prevent discharges into the storm drain system and natural waterways, each MFU shall comply with the storm water regulations of the Tennessee Department of Environment and Conservation and of the City of Sparta if any. In addition, each MFU shall have a spill response plan and kit onboard to contain and remedy any discharge from the MFU.
- (12) Utilities. Any power or water required for the mobile food unit shall be self-contained and shall not draw from the public right-of-way.
- (13) Waste storage and disposal. Vendors shall supply, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff of the MFU. The vendor shall keep the area around the MFU clear of litter and debris at all times. All trash and debris generated by customers and staff shall be collected by the vendor and deposited in their trash or recycling container and removed from the site by the vendor. The vendor may not use city trash or recycling receptacles.
- (14) Fire safety. Mobile food units must be equipped with a fire extinguisher.
- (15) Sight distance/safety. Mobile food units must be positioned so as not to block or obstruct the view of motorist or pedestrian at any intersection or any point of ingress/ egress. A police or codes officer is authorized to require the mobile food unit to move if in their reasonable judgement the mobile food unit is creating a safety issue for the public.

**9-911. Use of streets/sidewalks.** No vendor who has obtained a permit shall have any right to operate at any location on public property, including but not limited to the public streets/sidewalks, public parks, public parking lots or spaces, nor shall any be permitted to operate a "road block" of any kind, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of such streets/sidewalks. Use of public property may be granted subject to approval by the City Administrator. For the purpose of this chapter, the judgement of a police officer and/or a codes officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

2. The ordinance shall be effective upon its second and final reading.

Passed 1st reading December 7, 2017

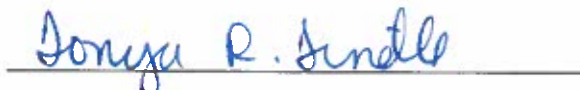
Passed 2nd reading December 21, 2017

Publication date December 28, 2017

**CITY OF SPARTA**

  
Jeff Young, Mayor

ATTEST:

  
Tonya R. Tindle, City Recorder