ORDINANCE NO. 1245

AN ORDINANCE OF THE EAST RIDGE CITY COUNCIL TO CREATE A NEW CHAPTER 11 UNDER TITLE 9 OF THE EAST RIDGE MUNICIPAL CODE ESTABLISHING REGULATIONS FOR OPERATING A MOBILE FOOD VENDING BUSINESS WITHIN THE CITY OF EAST RIDGE, TENNESSEE

WHEREAS, the number of mobile food vendors in the area has grown significantly, presenting both opportunities and challenges for local government; and

WHEREAS, the East Ridge Municipal Code doesn't currently address mobile food vending; and

WHEREAS, it is necessary and desirable to establish reasonable regulations to govern mobile food vending in the City of East Ridge, in an effort to provide reasonable opportunities for mobile food vendors to operate within the City; and

WHEREAS, the City further finds that such regulations are needed in order to protect the public health, safety, and welfare of the community.

NOW, THEREFORE,

SECTION 1: **BE IT ORDAINED** by the City Council for the City of East Ridge, Tennessee, that Title 9 of the East Ridge City Code is hereby amended by adding a new chapter, to be designated as Chapter 11 and to read as follows:

CHAPTER 11
MOBILE FOOD VENDORS AND FOOD TRUCKS

SECTION

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9-1101. Purpose. The city finds that allowing new and existing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to individuals living and working within the city. This chapter recognizes the unique physical and operational characteristics of mobile food vending, establishes standards for mobile food vending operations and promotes practices that serve the health, safety and welfare of the public. It is further the intent of these regulations to establish reasonable guidelines and restrictions for mobile food vendors, including vehicles, in relationship to established restaurant businesses and encourage the safe and convenient use of the city's public right-of-way.

9-1102. Definitions. (a) For the purpose of this chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" be permissive. The following definitions shall apply in the interpretation of this chapter, whether capitalized or not, and in any regulations promulgated hereunder, unless specifically stated otherwise.

(1) "City" means the municipal corporation organized and existing under the laws of the State of Tennessee, together with its departments, boards, commissions, officers, agents, and employees acting within the scope of their official authority.

(2) "City Council" means the duly elected governing body of the city, acting collectively in its legislative capacity, and includes any successor body authorized by law to exercise the powers of the city council.

(3) "Canteen Truck" means any vehicle or trailer that operates to provide food service to workers at locations where food is otherwise unavailable, from which vendors sell food that requires no on-site preparation or assembly, other than the heating of pre-cooked foods.

(4) "Trailer" means a detached trailer that is used in connection with any canteen truck or mobile food vehicle or is a detached trailer equipped with facilities for preparation, cooking and selling various types of food and/or drink products.

(5) "Mobile Food Vehicle Owner" or "Vendor" means any person or entity selling food or drinks from a mobile food vehicle, including, but not limited to, an enclosed unit, truck, or trailer.

(6) "Mobile Food Vehicle" means an enclosed unit, truck, or trailer that is roadworthy, has – if applicable – a valid motor vehicle title and registration, and has a mobile food vendor permit issued by the city that is properly displayed, and from which food or a consumable product is prepared, cooked, assembled, or stored with the intent of selling such food or consumable product to the public. This definition does not include vehicles operating under a concession agreement with the city.

(7) "Mobile Food Vendor Permit" means a permit granted by the city to the owner or operator of a mobile food vehicle in accordance with this chapter.

(8) "Operator" means any person holding a mobile food vendor 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 vehicle.

(9) "Food vendor overlay district" or "overlay district" means the additional layer of standards applied to all areas within a defined overlay boundary for the operation of mobile food vehicles, regardless of the underlying base zoning district, as approved by the city council.

(10) "Permit administrator" means the person designated by the city to enforce the provisions of this chapter, including the code enforcement department through its chief building official.

(11) "Private property" means real property owned by an individual or individuals having exclusive rights to it and which is not owned by a public entity.

(12) "Public property" means real property owned by the city or Hamilton County, including public and private right-of-way/streets designed for motor vehicles.

(13) "Right-of-way" means an area owned or maintained by the city, county, the State of Tennessee, federal government, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

(14) "Special event" means any public gathering such as a block party, local special event, grand opening, parade, festival, celebration, concert, carnival, fair, exhibits, trade shows or any similar occurrence to be conducted on public or private property within the city.

(15) "Special event permit" means a permit that is approved and issued by the city in connection with a special event which authorizes the operation of a mobile food vehicle by a vendor.

9-1103. Mobile food vending—Compliance. It shall be a violation to engage in mobile food vending in the city of East Ridge, whether on public or private property, unless authorized and operated in accordance with this chapter.

9-1104. Requirements for a Mobile Food Vendor.

(a) Permit Title. The title of the permit required under this section shall be the "Mobile Food Vendor Permit."

(b) Mobile Food Vendor Permit. No person shall sell, or offer to sale, any food, beverage, fruit or other consumable product from a mobile food vehicle unless:

(1) Prior to operating a mobile food vehicle as defined in this chapter, such person obtains approval for and the issuance of a mobile food vendor permit as set forth herein from the city permit administrator;

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

(3) The mobile food vehicle has obtained written permission from the owner or lessee of the property within an overlay district or has obtained written permission from the organizer of a special event for the operation of a mobile food vehicle.

(c) Mobile Food Vendor Permit Application Contents. Applicants for a mobile food vendor permit under this chapter must file with the permit administrator a sworn written application containing the following:

(1) Name of applicant/vendor and contact telephone number.

(2) A valid government issued identification card for the owner and operator of the mobile food vehicle.

(3) Complete permanent home address and business address of the applicant, and email address.

(4) A brief description of the nature of the food or consumable products to be prepared, served, and sold from a mobile food vehicle .

(5) The vehicle registration number, make, model and description for any vehicle to be used including dimensions and color photographs (front, both sides, rear) of the mobile food unit or vehicle.

(6) Proof of insurance as required in this chapter for the mobile food vendor vehicle. Failure to maintain the required insurance will result in immediate revocation of the mobile food vendor permit.

(7) A copy of the business license, proof of State of Tennessee sales tax registration, and any health department license or certification required by Hamilton County Health Department or the State of Tennessee.

(8) Other cities or towns, if any, where within the past 12 months the applicant conducted business immediately preceding the date of application.

(9) Submittal of all applicable fees set forth in this chapter or by the building official.

(10) Such other relevant information as may be reasonably requested by the city after review of submission of the application in order to assure full review of the information needed to assess the impact of the proposed operation on the health, safety, and welfare of the public.

(c) Obligation to Update. Each mobile food vendor permit holder shall have an ongoing duty to provide the city with notice of any change to any of the information submitted with its permit application, including current photographs of the mobile food vehicle in the event of any change in the appearance of or signage on the vehicle.

(d) Misleading Information. Submission of false or misleading information will result in denial of the permit application or, upon subsequent discovery, revocation of the permit and a ban on receiving future permits.

(e) Non-Transferable. Mobile food vendor permits are non-transferable and non-assignable.

(f) Permit Expiration and Duty to Reapply or Renew.

(1) A mobile food vendor permit issued under this section shall expire December 31 of each year and shall be subject to annual renewal on or by January 1 of each year upon proper application and payment of the renewal permit fee. Applications for a mobile food vendor permit filed between January 1 and June 30 shall pay the full mobile food vendor permit fee as established by the city. Applications filed between July 1 through December 31 shall pay a prorated permit fee of one-half of the full permit fee as established by the city.

(2) A mobile food vendor permit shall be valid for only one mobile food vendor vehicle. Each operator and/or applicant shall file an additional application and pay an additional permit fee for each additional mobile food vendor vehicle. No refunds will be issued for renewed permits and no renewed permits for partial years will be issued.

(g) Revocation. The city may revoke a mobile food vendor permit upon a finding of noncompliance with this Code.

9-1105. Operational Requirements of Mobile Food Vehicles Within the City.

(a) Authorized Locations. Mobile food vehicles are prohibited from operating in the city except in the following circumstances:

(1) Within an approved food vendor overlay district as set forth in this section;

(2) Upon a property approved for a special event as set forth in section 9-1106; or

(3) Upon public property owned by the city as set forth in section 9-1107.

(b) Establishment of a food vendor overlay district. A food vendor overlay district may be established only upon approval by the city council following submission of a complete application in accordance with this section. Overlay districts are defined as the Commercial districts: C-1, C-2, C-4, C-5 & C-6.

(1) Eligible Applicant. An application to establish a food vendor overlay district may be submitted by a property owner, a group of property owners, or an authorized agent acting on behalf of one or more property owners within the proposed overlay area.

(2) Application Contents. The sworn application shall be filed with the permit administrator, together with any applicable fees, and shall include, at a minimum:

i. A written request describing the proposed food vendor overlay district and its purpose;

ii. A map or survey clearly identifying the boundaries of the proposed overlay district;

iii. A list of parcels included within the proposed overlay district, including parcel numbers and current zoning classifications;

iv. Written consent from the owner(s) of each parcel proposed to be included in the overlay district;

v. A narrative explaining how the proposed overlay district is consistent with the city's comprehensive plan and applicable zoning objectives;

vi. A depiction identifying the number of and location for each mobile food vehicle and disclosure as to whether such vehicle or vehicles will be permanently staged or temporarily staged within the proposed overlay district; and

vii. Any additional information reasonably required by the permit administrator to evaluate the application.

(3) Review Procedure. Upon determination that the application is complete, the application shall be referred to the city council for review and public hearing. The city council may approve, approve with conditions, or deny the application by resolution. Conditions may include, but are not limited to the following:

i. Vehicle staging and overnight storage;
ii. Seating and table arrangements;
iii. Restrictions on connection to utilities;
iv. Signage;
v. Limit on number of vehicles; and
vi. Sale, serving and consumption of alcohol and beer;

(4) Effect of Approval. Approval of a mobile food vendor overlay district authorizes mobile food vendor uses within the overlay area only in accordance with the standards, regulations, and permitting requirements set forth elsewhere in this chapter and does not exempt vendors or property owners from compliance with any other applicable local, state, or federal regulations. The city may revoke authorization for any mobile food vehicle operating within a mobile food vendor overlay district upon a finding of noncompliance with this chapter or the conditions of the mobile food vendor overlay district.

(5) Expiration and Duty to Renew. A mobile food vendor overlay district approved under this section shall expire December 31 of each year and shall be subject to annual approval on or by January 1 of each year upon proper application and payment of the applicable renewal fee. Applications filed between January 1 and June 30 shall pay the full mobile food vendor overlay district application fee as established by the city. Applications filed between July 1 through December 31 shall pay a prorated permit fee of one-half of the full application fee as established by the city. All application fees are nonrefundable.

(6) Operation of Mobile Food Vehicles within Overlay District. Upon approval for the establishment of a mobile food vendor overlay district, a mobile food vendor is permitted to operate within the boundaries of the overlay district provided written permission from the property owner upon which the vehicle operates is obtained and the operator remains in compliance with all other applicable requirements of this chapter.

9-1106. Operation of Mobile Food Vehicle at Special Events.

(a) Authorization. Mobile Food Vehicles may operate on property approved by the city for a special event only during the dates and hours authorized for the special event and only in conjunction with such event.

(b) Special Event Permit Required.

(a) No mobile food vending may occur at a special event without an approved special event permit issued by the city to the property owner or event organizer.

(b) The property owner or event organizer must submit an application for a special event permit to the permit administrator at least thirty (30) days prior to the proposed event date or as otherwise specified by the city.

(c) Special Event Permit Application Contents. Applications for a special event permit shall include, at a minimum:

(a) Name and contact information of the event organizer;

(b) Location, dates, and hours of the proposed event;

(c) Written consent of the property owner(s);

(d) Description of anticipated attendance and public safety measures;

(e) Any other information reasonably required by the city to evaluate the application.

(d) Review and Approval. The city manager, in consultation with the permit administrator, shall review the application for completeness and may require additional information prior to approval. The city manager has discretion to approve, approve with conditions, or deny a special event permit based on public safety, traffic, health, sanitation, and compliance with applicable laws and regulations. Approval of a special event permit authorizes operation of mobile food vehicles only as specified in the permit.

(e) Compliance with Laws. All mobile food vehicles operating at a special event shall comply with applicable local, state, and federal laws and regulations, including but not limited to health department requirements, fire safety standards, and traffic and parking regulations.

(f) Site Limitations. Mobile food vehicles shall be located only in areas designated by the event organizer or approved by the city manager and shall not obstruct fire lanes, pedestrian access, emergency access, or public rights-of-way unless expressly authorized.

(g) Duration of Operation. The presence and operation of mobile food vehicles shall be limited to the duration of the approved special event, including reasonable setup and breakdown periods as authorized by the city manager.

(h) Revocation. The city may revoke authorization for any mobile food vehicle operating under this section upon a finding of noncompliance with this chapter or the conditions of the special event permit.

9-1107. Operation of Mobile Food Vehicle upon City Owned Property. No mobile food vehicle shall operate upon property owned or controlled by the city unless expressly approved in advance by the city manager. Approval to operate on city-owned property is a privilege and not a right and may be granted, denied, limited, or conditioned in the sole discretion of the city manager based upon considerations including, but not limited to, public safety, traffic, sanitation, compatibility with surrounding uses, and the intended use of the property. The city manager is authorized to establish, enforce, and amend reasonable rules, regulations, and conditions governing the operation of mobile food vehicles on city-owned property, including limitations on location, duration, hours of operation, number of vehicles, insurance requirements, and operational standards.

9-1108. General Operating Requirements. The following operational requirements shall apply to all permit holders issued under this chapter:

(a) Mobile food vehicles may operate only on properties within a mobile food vehicle overlay district or pursuant to a special permit.

(b) All vendors must have written permission from the property owner or lessee to operate a mobile food vehicle.

(c) Trash receptacle(s) and private waste disposal services shall be provided by the permit holder. No mobile food vehicle shall operate in a location or manner that impedes access to or from another business, or otherwise may interfere with access to emergency areas, paths, or facilities.

(d) Permanent connections to water, sanitary sewer, gas, or electrical service are prohibited.

(e) Mobile food vehicles shall not reduce the pedestrian clear path of travel on public or private sidewalks or multi-use paths to less than six feet (6'). Mobile food vehicles shall provide no less than six feet, eight inches (6'8") of clearance under awnings and canopies.

(f) A single property not located within an overlay district is limited to two (2) special event permits within a twelve (12) month consecutive period.

(g) There shall be a clearance of no less than twenty (20) feet between any portion of a mobile food vehicle and any structure. Ten (10) feet separation between mobile food vehicles.

(h) All mobile food vehicles shall be placed behind the front building line unless site constraints warrant modifications as determined solely by the East Ridge fire marshal's discretion.

(i) Mobile food vendors shall provide access to flushable restroom facilities for employees when the mobile food vehicle is open for business for three hours or greater in duration. Such flushable restroom facilities shall be within four hundred fifty (450) feet of the mobile food vehicle.

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

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

(l) Mobile food vehicles shall not be parked within ten feet of a public right-of-way.

(m) Mobile food vehicles must be moved offsite when not open for business unless the vehicle is staged pursuant to a multi-day special events permit. Mobile food vehicles shall be "in operation" as defined meaning a mobile food vehicle that when arriving at an approved property or site is either preparing to open for business, open for business, or in the process of preparing to leave a site.

(n) Operators of canteen trucks must obtain a mobile food vendor permit as set forth in section 9-1104.

(o) Hours of Operation

a. 8:00 a.m.–10:00 p.m. Sunday–Thursday
b. 8:00 a.m.–11:00 p.m. Friday & Saturday

(p) No amplified music or public address system.

9-1109. Compliance with Fire, Public Safety and Health Regulations.

(a) Any mobile food vendor operating a mobile food vehicle in the city shall comply with requirements of the International Fire Code as adopted by the city, any other regulatory fire code as adopted by the city, and any additional rules and regulations adopted by the city fire department for the operation of mobile food vehicles. Prior to the issuance of a mobile food vendor permit and at all times while operating, mobile food vehicles shall be subject to inspection by the city fire marshal.

(b) Valid health inspection certifications acquired in accordance with the State of Tennessee shall serve as certification of inspection for operation in the city.

(c) All holders of a mobile food vendor permit are subject to the city's right to require the movement of any mobile food vehicle and any other associated structures or furnishings should the city determine that such presence is a threat to public safety.

9-1110. Insurance.

(a) Operators of mobile food vehicles 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.

(b) Minimum liability limits for such insurance policy shall be not less than the minimum limits specified by Tennessee Code Annotated Section 29-20-403.

(c) 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.

(d) Operators on public property must provide proof of insurance listing the city as a named insured. Coverage must meet Tennessee Code Annotated §29-20-403, with premiums paid for a minimum of one (1) year, and provide fifteen (15) days' advance notice to the city manager or designee before cancellation.

(e) The owner and operator of any mobile food vehicle operating on any city property or in a city park shall defend, indemnify and hold harmless the city and all its departments and employees from and against any and all claims, liabilities, loss, damages, costs and expenses, including reasonable attorneys' fees, court costs and other expenses of litigation or administrative proceedings, for personal injury, damage to real or tangible property arising out of the operator's use of the city's property for operation of a mobile food vehicle.

9-1111. Enforcement; Mechanisms for Complaints; Suspension or Revocation.

(a) Should the city observe a mobile food vendor in violation of this chapter, the city may seek resolution through the issuance of a citation and notice of violation to parties involved in the operation of the mobile food vehicle, including, but not limited to the operator or owner of the mobile food vehicle, as well as the property owner where the violation occurred.

(b) Citation. Each of the following circumstances constitute a violation of this chapter, for which a citation may be issued by a code enforcement officer, building official or police officer of the city.

(1) Operation of a mobile food vehicle without a current, valid permit, provided further that each day and each separate location at which a mobile food service vehicle is operated without a current, valid permit shall be considered a separate violation.

(2) Failure to comply with any other provision of this chapter.

(c) Responsibility for violations. The city codes enforcement officers, building official, and police officers may, at their discretion in consideration of the situation, cite any of the individuals or entities listed below for any violation of the provisions of this chapter:

(1) The operator of a mobile food vehicle.

(2) An employee working in or out of a mobile food vehicle.

(3) The owner of the property on which a mobile food vehicle is operated.

(d) Suspension of permit. A mobile food vendor permit shall be suspended by the permit administrator if:

(1) The applicant for the permit knowingly provided false information on the application.

(2) Two violations of this chapter have occurred within a six (6) month period in conjunction with the mobile food vehicle for which the permit has been issued.

(3) The operator of a mobile food vehicle fails to maintain a current, valid vehicle registration, health department permit, business license or proof of required motor vehicle insurance coverage.

(e) Revocation of permit. A mobile food vendor permit shall be revoked by the permit administrator if:

(1) Three (3) Violations of this chapter have occurred within a twelve (12) month period.

(2) A mobile food vehicle is operated in an unlawful manner so as to constitute a breach of the peace or otherwise threaten the health, safety or general welfare of the public.

(f) Reinstatement.

(1) An operator may reinstate a suspended mobile food vendor permit by taking such actions as may be necessary to correct a mobile food vehicle's noncompliance and paying a reinstatement fee as set forth in this chapter to offset the city's cost of enforcement measures, inspections and compliance. The permit holder shall receive written notice and opportunity to cure unless the violation poses an immediate threat to public safety.

(2) An operator whose mobile food vendor permit has been revoked may apply for permit after twelve (12) months from the date of revocation, provided the operator has taken such actions as may be necessary to correct a mobile food vehicle's noncompliance. The operator shall pay a permit reinstatement fee as set forth in this chapter to offset the city's cost of enforcement measures, inspections and compliance

(3) No permit will be issued to any person who intends to operate the same mobile food vehicle for which the operator's permit is currently suspended or has been revoked within the preceding twelve (12) months.

(g) Notice. Notice of the suspension or revocation of a mobile food vendor permit shall be issued to the operator in writing by the permit administrator.

(h) Administrative Hearing Officer. Notwithstanding anything to the contrary herein, any violation of this chapter may, in addition to other ramifications permitted in this chapter, be cited and referred to the city's administrative hearing officer for adjudication of penalties and fines as set forth in T.C.A. § 6-54-1001 *et seq*. who shall have authority to levy penalties and fines in accordance with T.C.A. § 6-54 1009, as amended.

9-1112. Appeals.

(a) Filing. The denial, suspension or revocation of a mobile food vendor permit by the permit administrator may be appealed by filing a written notice of appeal, establishing the grounds for the appeal, with the mayor for ty review. The notice of appeal shall be filed no later than ten (10) business days following receipt of the notice of denial, suspension or revocation.

(b) City Council review. When an appeal is filed with the mayor for ty review as set forth herein, the city council may request such additional information from the operator and the permit administrator as may be deemed necessary. At the city council's discretion, the appeal may be decided based on the written information and documentation submitted, or a hearing may be scheduled with the operator and the permit administrator. The appeal shall be placed on the agenda of the next regularly scheduled Council meeting. The city council's decision on the appeal shall be issued in writing, based on a written summation of the pertinent facts, and shall be final. The city council may reverse the denial, suspension or revocation of a permit, or may reduce the waiting period required for reinstatement of a revoked permit if it is determined that the operator has taken reasonable steps to mitigate the violations leading to the revocation and to prevent future violations.

(c) Refunds. There shall be no refund of an application fee for a mobile food vendor permit that has been denied. There shall be no refund of a reinstatement fee for a suspended or revoked permit unless the city council determines on appeal that the permit administrator acted in error in suspending or revoking the permit.

9-1113. Schedule of Fees and Penalties. (a) Any operator of a mobile food vehicle or owner of property seeking to stage a mobile food vehicle upon private property shall be subject to the following fee schedule which may be reviewed and amended by the city council from time to time:

(1) Temporary Mobile Food Vehicle Permit Application Fee:	$50/day, per vehicle or $200 for up to 5 consecutive days, per vehicle
(2) Annual Mobile Food Vehicle Application Fee:	$200/property, per year
(3) Fire Marshal Inspection Fee:	$50/inspection, per vehicle
(4) Two-Day Special Event Permit	$50 for two (2) days or $25/day
(5) Permit Reinstatement Fee:	$200
(6) Civil Penalties:	Up to $500/offense, per day

SECTION 2: **BE IT FURTHER ORDAINED** by the City Council for the City of East Ridge, Tennessee, that every section, sentence, clause, and phrase of this Ordinance is separate and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect or impair any other section, sentence, clause, or phrase.

SECTION 3: **BE IT FURTHER ORDAINED** by the City Council for the City of East Ridge, Tennessee, that this ordinance shall take effect from and after its passage and any person or entity currently engaged in mobile food vending in the City of East Ridge may continue to operate provided the permit(s) as required by this ordinance are obtained on or before December 31, 2026, and that any permit obtained by December 31, 2026 shall remain valid through December 31, 2027, the health, safety and welfare of the citizens of East Ridge requiring it.

Passed on First Reading May 14, 2026

Passed on Second Reading May 28, 2026

Brian W. Williams, Mayor

ATTEST:

Brian Koral, City Manager

APPROVED AS TO FORM:

Mark W. Litchford, City Attorney