



**Agenda for the Regular Meeting of Board of Commissioners
Monday, February 27, 2017 - 7:00 pm
Brentwood Municipal Center**

Call to Order by Mayor
Roll Call
Invocation by Commissioner Crossley
Pledge of Allegiance to the Flag by Commissioner Dunn

Approval or Correction of Minutes

February 13, 2017

Comments from Citizens – *Individuals may comment on any item included in the Consent/Regular agenda or on any other matter regarding the City of Brentwood. All comments should be directed to the Board of Commissioners. Citizens who wish to request that an item be moved from the Consent Agenda to the Regular Agenda for discussion should make that known to the Board at this time.*

Report from City Manager
Report from the City Attorney
Reports and comments by Commissioners and Mayor

Note: All matters listed under the Consent Agenda are considered to be routine and will generally be enacted by one motion. Except for any items that are removed from the Consent Agenda, there will be no separate discussion of these items at this time.

Consent Agenda

1. Ordinance 2017-05 - AN ORDINANCE AMENDING MUNICIPAL CODE REGARDING THE DEFINITION OF "BEER", for consideration on second and final reading
2. Resolution 2017-16 - A RESOLUTION AUTHORIZING AN AGREEMENT WITH NOLENSVILLE/COLLEGE GROVE UTILITY DISTRICT FOR RELOCATION OF THE UTILITY DISTRICT'S WATER LINES IN CONJUNCTION WITH ROADWAY IMPROVEMENTS AT RAGSDALE ROAD AND SUNSET ROAD, for adoption
3. Approval to purchase restroom building from CXT, Inc. for Smith Park through NJPA contract

4. Acceptance of bid from Golden Circle Ford for purchase of a service body truck for Water Services Department

Old Business

1. Ordinance 2017-01 - AN ORDINANCE AMENDING MUNICIPAL CODE PROVIDING FOR THE REGULATION OF MOBILE FOOD VENDORS, for consideration on second and final reading
2. Ordinance 2017-02 - AN ORDINANCE AMENDING THE ZONING ORDINANCE TO PROVIDE FOR MOBILE FOOD VENDING AS A PERMITTED USE AND TO ESTABLISH SIGNAGE REGULATIONS FOR MOBILE FOOD VENDORS, for consideration on second and final reading
3. Other old business

New Business

1. Other new business
Notice of future appointments of three (3) members to the Park Board (for information only)

A handwritten signature in black ink, appearing to read "Kirk Bednar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirk Bednar
City Manager

Anyone requesting accommodations due to disabilities should contact Mike Worsham, A.D.A. Coordinator, at 371-0060, before the meeting.

Brentwood City Commission Agenda

Meeting Date: 02/27/2017

Approval or correction of minutes from Regular Scheduled Commission meeting

Submitted by: Debbie Hedgepath, Administration

Department: Administration

Information

Subject

Approval or correction of minutes from the February 13, 2017 meeting

Background

Staff Recommendation

Fiscal Impact

Attachments

Draft Minutes

MINUTES OF REGULAR MEETING OF BOARD OF COMMISSIONERS

BRENTWOOD, TENNESSEE

The Brentwood Board of Commissioners met in regular session on Monday, February 13, 2017 at 7:00 pm at the Brentwood Municipal Center.

Present were Mayor Regina Smithson; Vice Mayor Jill Burgin; Commissioners Ken Travis, Betsy Crossley, Anne Dunn, Mark Gorman and Rhea Little; City Manager Kirk Bednar; Assistant City Manager Jay Evans; City Attorney Roger Horner and City Recorder Deborah Hedgepath. Vice Mayor Burgin led the invocation. The Pledge of Allegiance was led by a Scout from Troop 93.

Public hearing was opened on Ordinance 2017-02 - AN ORDINANCE AMENDING THE ZONING ORDINANCE TO PROVIDE FOR MOBILE FOOD VENDING AS A PERMITTED USE AND TO ESTABLISH SIGNAGE REGULATIONS FOR MOBILE FOOD VENDORS.

The following persons spoke:

Jason Grant, 1626 Oakhall Drive

Dallas Shaw, President of the Nashville Food Truck Association

The public hearing was closed.

Commissioner Little moved for approval of the minutes from the January 23, 2017 meeting as written; seconded by Vice Mayor Burgin. Approval was unanimous.

COMMENTS FROM CITIZENS

Harriet Haugh, 7051 Willowick Drive

John Miles, 5113 Woodland Hills Drive

Jason Grant, 1626 Oakhall Drive

Wanda Graham, 414 Enclave Court

Taj Wolfe, 5100 Williamsburg Road

Gerald Witcher, 9611 Lineberger Court

Stevan Pippin, 912 Sunnyhill Road

Following the Citizen Comments, two letters were read by Mayor Smithson and Commissioner Dunn from residents that could not attend the meeting. They were:

Friederike Statum, 6211 Belle Rive Drive

Stevan Lambert, 9529 Midlothian Drive

CONSENT AGENDA

Resolution 2017-10 - A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF HEALTH FOR FUNDING FOR THE WILLIAMSON COUNTY HEALTH DEPARTMENT, for adoption

Resolution 2017-11 - A RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST PUBLISHING CORPORATION FOR SUBSCRIPTIONS TO LEGAL PUBLICATIONS AND ONLINE DATABASES, for adoption

Resolution 2017-12 - A RESOLUTION AUTHORIZING AN AMENDED AGREEMENT WITH SULLIVAN ENGINEERING, INC. FOR DESIGN AND ENGINEERING SERVICES FOR THE RE-ALIGNMENT AND WIDENING OF RAGSDALE ROAD AT THE INTERSECTION WITH SUNSET ROAD, for adoption

Resolution 2017-13 - A RESOLUTION ACCEPTING THE DEDICATION OF A UTILITY EASEMENT THROUGH PROPERTY BELONGING TO SAMUEL E. DUNN FOR OFFSITE SEWER IMPROVEMENTS TO FACILITATE DEVELOPMENT OF THE PROPERTY CURRENTLY BELONGING TO H & J REALTY, for adoption

Resolution 2017-14 - A RESOLUTION AUTHORIZING AN AGREEMENT WITH CUSTOM RECREATION, INC. FOR THE PURCHASE AND INSTALLATION OF A PICNIC SHELTER AND PLAYGROUND EQUIPMENT FOR SMITH PARK, for adoption

Approval of additional construction inspection services with Hart Freeland Roberts (HFR) for Phase 3 of Concord Road

Approval of recommended street resurfacing list for Fiscal Year 2017

Approval to purchase a replacement plotter for GIS

Commissioner Little moved for approval of the items on the Consent Agenda; seconded by Commissioner Crossley. Approval was unanimous.

NEW BUSINESS

Mayor Smithson moved for passage of Ordinance 2017-04 - AN ORDINANCE AMENDING MUNICIPAL CODE REGARDING THE REQUIRED FRONT YARD SETBACKS WITHIN AR (AGRICULTURAL/RESIDENTIAL) ZONING DISTRICTS, seconded by Commissioner Little. Ordinance 2017-04 passed first reading unanimously.

Vice Mayor Burgin moved for passage of Ordinance 2017-05 - AN ORDINANCE AMENDING MUNICIPAL CODE REGARDING THE DEFINITION OF "BEER", seconded by Commissioner Travis. Ordinance 2017-05 passed first reading unanimously.

The report on the recent debt refunding obligation (State Form CT-0253) was presented to the Board of Commissioners.

Cindy Harrison, Kathy MacLachlan, Patricia Shultz and Eric Wyse were appointed to the Tree Board for two year terms ending February 28, 2019.

Anne Goad, Sherry Hammond, Ashley McAnulty and Chuck Sherrill were reappointed to the Historic Commission for three year terms ending February 28, 2020.

Katheryne Cowan was appointed to the Historic Commission to fill an unexpired term ending on February 28, 2019.

Loyce Hooker was appointed to the Historic Commission to fill an unexpired term ending on February 28, 2018.

Under other new business, Mayor Smithson moved for adoption of Resolution 2017-15 – A RESOLUTION OPPOSING ANY LEGISLATION THAT WOULD LIMIT THE ABILITY OF LOCAL GOVERNMENTS TO REGULATE THE LOCATION OF SHORT-TERM RENTAL PROPERTIES, seconded by Commissioner Gorman. Resolution 2017-15 passed unanimously.

With no further business, the meeting adjourned at 8:40 pm.

APPROVED _____

Deborah Hedgepath
Deborah Hedgepath, City Recorder

Brentwood City Commission Agenda

Meeting Date: 02/27/2017

Ordinance 2017-05 - Amending Brentwood Municipal Code Regarding Definition of "Beer"

Submitted by: Roger Horner, Legal

Department: Legal

Information

Subject

Ordinance 2017-05 - Amendment to Brentwood Municipal Code regarding definition of "beer".

Background

In 2014, the Tennessee General Assembly enacted legislation implementing several changes in the statutes regulating the sale of alcoholic beverages for off-premises consumption. Most prominently, the new legislation authorized the sale of wine in grocery stores, subject to passage of a voter referendum in each locality. The 2014 legislation also revises the definition of "beer" to include beverages with a higher alcohol content, although the new definition did not become effective until January 1, 2017.

Under the State's new definition, "beer" includes "beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight." Prior to January 1, the definition allowed only up to five percent (5%) alcoholic content by weight. Because the State definition applies to local regulation of beer, it is necessary to amend the Municipal Code to agree with State law.

Please contact the City Attorney if you have any questions about this ordinance.

Staff Recommendation

Staff recommends passage of the accompanying ordinance.

Previous Commission Action

This ordinance passed unanimously on first reading on February 13, 2017.

Ordinance 2014-02, passed on final reading on February 10, 2014, amended various provisions of the Municipal Code in regard to local beer regulations.

Fiscal Impact

Attachments

ORDINANCE 2017-05

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY REVISING SECTIONS 6-26 AND 6-27 OF CHAPTER 6, ARTICLE II, DIVISION 1 IN REGARD TO THE DEFINITION OF “BEER”

WHEREAS, Chapter 6, Article II of the Brentwood Municipal Code establishes regulations regarding the sale, distribution and manufacture of beer; and

WHEREAS, Chapter 861 of the Public Acts of 2014, as passed by the Tennessee General Assembly, amends *Tennessee Code Annotated*, §57-5-101 in regard to the definition of “beer” effective January 1, 2017; and

WHEREAS, it is appropriate that “beer” be defined in the Brentwood Municipal Code as it is now defined under applicable state statute.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1. That section 6-26 of Chapter 6, Article II, Division 1 of the Code of Ordinances of the City of Brentwood shall be amended by deleting the language “five percent” and substituting instead the language “eight percent”.

SECTION 2: That section 6-27 of Chapter 6, Article II, Division 1 of the Code of Ordinances of the City of Brentwood shall be amended by revising the definition of “beer” included therein to delete the language “five percent” and substitute instead the language “eight percent”.

SECTION 3. That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED:	1st reading	_____	PLANNING COMMISSION	_____ n/a
	2nd reading	_____	NOTICE OF PASSAGE	
			Notice published in:	_____
			Date of publication:	_____
PUBLIC HEARING				
Notice published in:		_____ n/a		
Date of publication:		_____		
Date of hearing:		_____	EFFECTIVE DATE	_____

MAYOR Regina Smithson

RECORDER Deborah Hedgepath

Approved as to form:

CITY ATTORNEY Roger A. Horner

Brentwood City Commission Agenda

Meeting Date: 02/27/2017

Resolution 2017-16 - Authorizing Agreement with Nolensville/College Grove Utility District for Relocation of Water Lines

Submitted by: Jamie Booker, Public Works

Department: Public Works

Information

Subject

Resolution 2017-16 - Agreement with Nolensville/College Grove Utility District for relocation of water lines

Background

The City is in the final stages of preparations to begin work on the Ragsdale Road/Sunset Road re-alignment and improvement project. During the construction phase of most roadway projects, utilities must be relocated and moved in order to build the project as designed. This project is no different. Nolensville/College Grove Utility District (NCGUD) has water lines that are in conflict with the proposed realigned road improvements. The NCGUD lines are presently outside the existing right-of-way (ROW) along Ragsdale and Sunset. Therefore, it is the City's responsibility to move the lines for them or pay NCGUD to move them.

NCGUD plans to replace existing six-inch, eight-inch and 18-inch water lines with new six-inch and 20-inch lines. NCGUD has agreed to allow the City to include the relocation of its water lines in the bid package for the entire project. This allows the general contractor of the job to synchronize all of the water line relocations with the road construction schedule, which will result in a less disruptive project overall. This construction project was recently bid, and the apparent low bidder's price for relocation of the water lines is \$519,000. A recommendation to award a construction contract for this project is expected to be on the March 13, 2017 Board of Commissioner's agenda.

When utility relocations are required, new utility easements are typically necessary to place the utilities outside of the ROW. However, due to time constraints and the desire to reduce the impact on private property, City staff and NCGUD have agreed that the new water lines should be placed just inside the new ROW line established for this project.

Under the attached agreement, the City would agree that if the roadway is ever widened again and the NCGUD water lines must again be moved, the City will take full responsibility to relocate the lines at no expense to NCGUD.

Staff believes it is in the City's best interest to enter into the proposed agreement

with NCGUD and place the new water line in the City's ROW instead of purchasing more easements and causing more destruction to the adjacent properties. Staff also anticipates that if the Sunset Road is ever widened in the future, the widening will most likely be to the west, allowing the water lines to remain where they will be located after this project is complete.

Please contact the Public Works Director if you have any questions about this matter.

Staff Recommendation

Staff recommends approval of the agreement with Nolensville/College Grove Utility District.

Fiscal Impact

Attachments

Resolution 2017-16

NCG Agreement

RESOLUTION 2017-16

**A RESOLUTION OF THE CITY OF BRENTWOOD, TENNESSEE TO AUTHORIZE THE
MAYOR TO EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY OF
BRENTWOOD AND THE NOLENSVILLE/COLLEGE GROVE UTILITY DISTRICT,
PROVIDING FOR THE RELOCATION OF THE UTILITY DISTRICT'S WATER LINES
IN CONJUNCTION WITH BRENTWOOD'S PLANS FOR ROADWAY
IMPROVEMENTS AT RAGSDALE ROAD AND SUNSET ROAD, A COPY OF SAID
AGREEMENT BEING ATTACHED HERETO AND MADE A PART OF THIS
RESOLUTION BY REFERENCE**

BE IT RESOLVED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1. That the Mayor is hereby authorized to execute an agreement by and between the City of Brentwood ("Brentwood") and the Nolensville/College Grove Utility District (the "Utility District"), providing for the relocation of the Utility District's water lines in conjunction with Brentwood's plans for roadway improvements at Ragsdale Road and Sunset Roads, a copy of said agreement being attached hereto and made a part of this resolution by reference.

SECTION 2. That this resolution shall take effect from and after its passage, the general welfare of the City of Brentwood, Williamson County, Tennessee requiring it.

MAYOR

Regina Smithson

ADOPTED: _____

Approved as to form:

RECORDER

Deborah Hedgepath

CITY ATTORNEY

Roger A. Horner

**AGREEMENT BETWEEN THE CITY OF BRENTWOOD AND
NOLENSVILLE/COLLEGE GROVE UTILITY DISTRICT FOR THE RELOCATION OF
WATER LINES AT INTERSECTION OF SUNSET ROAD AND RAGSDALE ROAD**

This AGREEMENT (“Agreement”) is entered into by and between the **City Of Brentwood, Tennessee** (“Brentwood”), a municipal corporation in Williamson County, Tennessee, and the **Nolensville/College Grove Utility District of Williamson County, Tennessee** (“the District”), a utility district and a municipal corporation created and existing under and by virtue of T.C.A. § 7-82-101, *et seq.*, in Williamson County, Tennessee.

WITNESSETH :

WHEREAS, Brentwood plans to make road improvements to the intersection of Sunset Road and Ragsdale Road within the Brentwood corporate limits (hereinafter, the “Roadway Improvements”); and

WHEREAS, the District owns and maintains a 6 inch water line, an 8 inch water line, and an 18 inch water transmission line on private property outside of the existing Brentwood right-of-way at this intersection (hereinafter, the “Existing Water Lines”);

WHEREAS, the Existing Water Lines must be relocated in connection with the Roadway Improvements;

WHEREAS, a new 6 inch water line and a new 20 inch water transmission line will be installed to replace the Existing Water Lines as a part of the Roadway Improvements project;

WHEREAS, Brentwood has requested that a portion of the New Water Lines be within the new right-of-way obtained by Brentwood for the Roadway Improvements;

WHEREAS, representatives of the District have been consulted and have provided input in the preparation of the plans and specifications for the relocation of the District’s Water Lines; and

WHEREAS, T.C.A. § 12-9-108 authorizes any public agency to contract with another public agency to perform any governmental service activity, or undertaking, including the relocation of utility lines, which each public agency is authorized by law to perform.

NOW, THEREFORE, in consideration of these premises, the requirements imposed on both parties by law, and their mutual undertakings, the parties hereto agree by and between themselves as follows:

1. Relocation of Water Lines. The parties agree that the relocation of the District’s Existing Water Lines which must be relocated in connection with the Roadway Improvements will be included in Brentwood’s construction contract for the Roadway Improvements. The Existing Water

Lines will be replaced by a new 6 inch water line and a new 20 inch water transmission line (hereinafter, the "New Water Lines"). The District is not required to make any financial contribution toward the cost of the New Water Lines replacing the Existing Water Lines in the construction contract.

2. New Water Lines Remaining in Right-of-Way.

(a) The District agrees to allow portions of its New Water Lines to remain within Brentwood's new right-of-way after the completion of the Road Improvements. If future road improvements are made to Sunset Road or Ragsdale Road which necessitate the relocation of any portion of the New Water Lines remaining in the right-of-way, then Brentwood agrees to pay the relocation cost of the New Water Lines which must be relocated. Brentwood agrees to convey a water utility easement to the District which grants the District the right to operate and maintain the New Water Lines within Brentwood's right-of-way. Said utility easement will include Brentwood's obligation to pay the relocation cost for any portion of the New Water Lines which remains within the right-of-way and must be moved because of such future road improvements. The water utility easement will be granted upon the completion of the Roadway Improvements project when the amount and location of the District's New Water Lines to remain in the Brentwood right-of-way will be known. The easement will include a description of the easement and will be in a form acceptable to both parties.

(b) The approximate locations of the New Water Lines which the parties anticipate will remain within Brentwood's new right-of-way are as follows:

1,730 linear feet more or less of new 20 inch water line on Sunset Road from proposed station 57+93 to proposed station 75+44

180 linear feet more or less of new 6 inch water line running west perpendicular to proposed Sunset Road station 62+69

80 linear feet more or less of new 6 inch water line running southwest perpendicular to proposed Sunset Road station 73+62

575 linear feet more or less of new 6 inch water line on Ragsdale Road from proposed station 104+45 to proposed station 110+20

370 linear feet more or less of 6 inch water line on Old Ragsdale Road from station 10+04 to station 13+51

3. Inspections. At all times during construction of the Roadway Improvements and at the District's sole expense, the District's designated representatives and agents will visit the construction site and will have the full opportunity to inspect the construction of the New Water Lines to verify that the construction of the New Water Lines is carried out according to the approved plans and specifications. If the District, through its representatives or agents, determines that the construction of the New Water

Lines is being carried out in a manner which deviates from the approved plans and specifications, the District will notify Brentwood immediately. When Brentwood receives such notification from the District, work on the construction of the New Water Lines will be halted until deviations from the approved plans and specifications are corrected.

4. Ownership; Operation and Maintenance. Upon the completion and acceptance of the New Water Lines by the District, the District will own the New Water Lines which will become a part of the District's water system. The District will be solely responsible for operating and maintaining the New Water Lines.

5. Notices.

(a) The parties agree that notices and correspondence in regard to this Agreement may be transmitted by hand-delivery, U. S. mail, facsimile or electronic mail, provided the sender receives confirmation of delivery.

(b) Unless otherwise directed by Brentwood, notices and correspondence to Brentwood in regard to this Agreement shall be sent to:

City of Brentwood
Attn: Kirk Bednar, City Manager
P. O. Box 788
Brentwood, Tennessee 37024-0788

Fax: (615) 371-2225
e-mail: kirk.bednar@brentwoodtn.gov

(c) Unless otherwise directed by the District, notices and correspondence to the District in regard to the Agreement shall be sent to:

Nolensville/College Grove Utility District
Attn: Mike Polston, General Manager
P. O. Box 127
Nolensville, Tennessee 37135

Fax: (615) 776-2591
e-mail: mpolston@ncgud.com

6. Modification of Agreement. The provisions of this Agreement shall be modified or altered only in writing by the mutual agreement of the parties.

7. Choice of Law. This Agreement is made in Tennessee and shall be governed by the laws of the State of Tennessee.

8. Severability. If any provision of this contract or the application thereof is determined to be invalid, such invalidity shall not affect other provisions or applications of this contract which can be given effect without the invalid provisions or application, and to that end the provisions of this contract are declared to be severable.

9. Assignment. This contract is not assignable without the consent of both parties.

10. Effective Date. This Agreement will not be binding upon the parties until it has been properly approved by the Board of Commissioners of Brentwood and the Board of Commissioners of the District, and executed in two counterparts by the authorized representatives of each party. Each counterpart shall be deemed an original of this Agreement.

IN WITNESS WHEREOF, the parties have affixed their signatures as of the dates shown below.

CITY OF BRENTWOOD, TENNESSEE:

NOLENSVILLE/COLLEGE GROVE
UTILITY DISTRICT OF WILLIAMSON
COUNTY, TENNESSEE

By: _____
Regina Smithson, Mayor

By: _____
Paul Campbell, President

Date: _____

Date: _____

Approved as to form and legality:

Approved as to form and legality:

Roger A. Horner, City Attorney

Donald L. Scholes, Attorney for the District

Brentwood City Commission Agenda

Meeting Date: 02/27/2017

Approval of Purchase of Restroom Building from CXT, Inc for Smith Park Through NJPA Contract

Submitted by: Dave Bunt, Parks & Recreation

Department: Parks & Recreation

Information

Subject

Approval of purchase of restroom building from CXT, Inc for Smith Park through NJPA Contract

Background

The Parks and Recreation Department is requesting authorization to purchase a prefabricated restroom building from CXT, Inc., to be installed during Phase 2 construction of Smith Park. As noted at the last City Commission meeting, the installation of playground equipment and a picnic shelter was not part of the park construction contract. Additionally, the purchase and installation of the restroom is also not part of that contract. Staff believes the City can get better pricing by using the National Joint Powers Alliance (NJPA) contract to purchase the restroom building directly from CXT, Inc. Funding for the restroom is included in the current Capital Projects Fund.

The contract price for the restroom is \$112,160.50 and is well within the budgeted amount of \$150,000. The restroom will be similar to the restroom installed at Granny White Park in 2014 near the Rotary pavilion. The goal is to have the bathroom building and adjacent shelter/playground facilities completed about the same time Phase 2 of the park is completed during the summer of this year. Staff will also select actual color schemes, roof styles and wall texture to complement the surroundings if this purchase is approved.

It should be noted that the installation of the restroom building is not included in the purchase price. The installation will be handled separately, using the City's purchase order guidelines, and will be at a cost under \$10,000.

CXT, Inc. has a successful track record with the City, having supplied restrooms for Granny White Park, Flagpole Park, Wikle Park and the Smith Park trailhead restroom.

NJPA is an association created by the State of Minnesota to serve governmental entities across the United States. Participating members in NJPA may purchase through NJPA's competitively solicited purchase contracts, thereby benefiting from volume pricing while satisfying local bidding requirements. The Board of Commissioners authorized the City's

participation in NJPA in 2009.

Included for your review is CXT's quote, NJPA contract information, and a sample picture of the bathroom. Staff recommends approval for purchase of the restroom building from CXT, Inc. for the amount of \$112,160.50.

Please contact the Parks and Recreation Director if you have any questions.

Staff Recommendation

Staff recommends approval for purchase of the restroom building from CXT, Inc. for the amount of \$112,160.50.

Fiscal Impact

Amount : \$112,160.50

Source of Funds: Capital Improvements Fund

Account Number: 311-44400-3015

Fiscal Impact:

Staff recommends approval to purchase the restroom from CXT, Inc. for the amount of \$112,160.50. It is within the \$150,000 budget for this project.

Attachments

CXT Bathroom Quote

CXT NJPA Contract Info

Sample bathroom Picture

Quote #: JCHA501XOB-1



, Inc. an L.B. Foster Company

Mailing Address:

CXT Incorporated, an LBFoster Co.
3808 North Sullivan Road Bldg. #7
Spokane Valley, WA 99216

To: **City of Brentwood**
1750 General George Patton Dr.
Brentwood, TN 37024

Attention: Dave Bunt
Phone: (615) 371-2208
Fax: (615) 371-2225

Phone: (800) 696-5766
Fax: (509) 928-8220
Date: 12/15/2016

Our quotation for the Cortez Sectional building is as follows:

Per Building

\$112,160.50

Cortez Sectional flush toilet building with standard simulated cedar shake or rib metal roof and split face block or barnwood wall texture, two tone color, five 16-gauge galvanized steel doors and frames, vitreous china plumbing fixtures (4-lavatories, 4-water closets), four stainless soap dispensers, four Saniflow hand dryers, four 3-roll toilet paper holders, exhaust fans, five GFI outlets, five floor drains, four s/s mirrors, ADA grab bars, ADA signs, 30 gal hot water heater, ADA frost free drinking fountain, one hose bib in chase area, and motion controlled interior lights and photo cell controlled exterior lights. PE Stamped drawings included.

Freight

\$112,160.50

FOB: Freight FOB: Destination. Price includes delivery, off-loading and setting the building on a customer prepared pad and utility stub in the Brentwood, TN area. Final connection of utilities included.

Terms: Net 30 with Credit Approval.

Shipment: Within 90 days ARO after receipt of an approved MI (Manufacturing Insurrections) and State approvals.

Notes: Sales tax not included
Number of Units: ____

Option: Site work to include utility pad per CXT specifications **\$9,995.27** Total turnkey \$122,155.74
* Customer to bring utilities within five (5') feet if the utility pad. Price does not include pulling any permits

Important: Tractor trailer and crane must have access to site and literally be able to set up next to utility pad for off loading of the building. If drop deck trailer cannot get next to the site then a \$3000 short trailer transfer or hydraulic trailer fee will be incurred. Road must allow standard 120' truck and trailer or short trailer transfer clear passage to site. It is the customer's responsibility to address any encumbrances to site access.

Home > Cooperative Purchasing > Contracts - General > Parks & Recreation > CXT Inc.



Concrete Buildings

Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

HOW TO PURCHASE

Our step-by-step guide



Vendor Contact Info

Gary Burger National Sales
Manager
Direct Phone: (800) 696-5766
x3450
Cell: (254) 717-0912
GBurger@lbfooster.com
www.cxtinc.com

Sales

Direct Phone: 800-696-5766
Sales@lbfooster.com

CXT Inc.

Contract#: 022113-CXT

Category: Parks & Recreation

Description: Athletic & Recreational Surfaces, Playgrounds and Equipment

Maturity Date: 04/23/2017

CXT Concrete Buildings manufactures restroom, shower and concession buildings available in multiple designs, textures and colors. The roof and walls are fabricated with high strength precast concrete to meet all local building codes and textured to match local architectural details. All CXT buildings are designed to meet A.D.A. and to withstand snow, wind and group 1 seismic design category E earthquakes. All concrete construction also makes the buildings easy to maintain and withstand the rigors of vandalism. The buildings are prefabricated and delivered complete and ready-to-use, including plumbing and electrical where applicable. With thousands of satisfied customers nationwide, CXT is the leader in prefabricated concrete restrooms.



ANNUAL RENEWAL OF AGREEMENT

Made by and Between

CXT, Inc. (Vendor)
3808 North Sullivan, Building #7
Spokane Valley, WA 99216

and

National Joint Powers Alliance® (NJPA)
202 12th Street NE
Staples, MN 56479
Phone: (218) 894-1930

Whereas:

"Vendor" and "NJPA" have entered into an "Acceptance and Award #022113-CXT" for the procurement of Playground and Recreation Related Equipment, Accessories and Supplies, and having a maturity date of April 23, 2017, and which are subject to annual renewals at the option of both parties.

Now therefore:

"Vendor" and "NJPA" hereby desire and agree to extend and renew the above defined contract for the period of April 23, 2016 to April 23, 2017.

National Joint Powers Alliance® (NJPA)

By:  Its: Executive Director/CEO

Name printed or typed: Chad Coquette

Date: 2/1/16

CXT, Inc.

By:  Its: NATIONAL SALES MANAGER

Name printed or typed: GARY BURGER

Date: 1/29/16

If you do not desire to extend contract, please sign below and return this agreement.
Discontinue: We desire to discontinue the contract.

Signature: _____ Date: _____

Formal Offering of Proposal
(To be completed Only by Proposer)



PLAYGROUND AND RECREATION RELATED EQUIPMENT, ACCESSORIES, AND SUPPLIES,

In compliance with the Request for proposal (RFP) for "PLAYGROUND AND RECREATION RELATED EQUIPMENT, ACCESSORIES, AND SUPPLIES", the undersigned warrants that I/we have examined this RFP and, being familiar with all of the instructions, terms and conditions, general specifications, expectations, technical specifications, service expectations and any special terms, do hereby propose, fully commit and agree to furnish the defined equipment/products and related services in full compliance with all terms, conditions of this RFP, any applicable amendments of this RFP, and all Proposer's Response documentation. Proposer further understands they accept the full responsibility as the sole source of responsibility of the proposed response herein and that the performance of any sub-contractors employed by the Proposer in fulfillment of this proposal is the sole responsibility of the Proposer.

Company Name: CXT INC Date: 2.12.13

Company Address: 3808 N. SULLIVAN, BLOC # 7

City: SPokane VALLEY State: WA Zip: 99216

Contact Person: GREGG ZENTARSKY Title: NE SALES MANAGER

Authorized Signature (ink only):  GREGG ZENTARSKY
(Name printed or typed)



Contract Acceptance and Award

(To be completed only by NJPA)

NJPA 022113 PLAYGROUND AND RECREATION RELATED EQUIPMENT, ACCESSORIES, AND SUPPLIES

CXT INC

Proposer's full legal name

Your proposal is hereby accepted and awarded. As an awarded Proposer, you are now bound to provide the defined product/equipment and services contained in your proposal offering according to all terms, conditions, and pricing set forth in this RFP, any amendments to this RFP, your Response, and any exceptions accepted or rejected by NJPA on Form C.

The effective date of the Contract will be April 23, 20 13 and continue for four years thereafter AND which is subject to annual renewal at the option of both parties. This contract has the consideration of an optional fifth year renewal option at the discretion NJPA.

National Joint Powers Alliance® (NJPA)

NJPA Authorized signature: Susan Narik Susan Narik
NJPA Executive Director (Name printed or typed)

Awarded this 24 April day of 20 13 NJPA Contract Number # 022113-CXT

NJPA Authorized signature: Scott Verona Scott Verona
NJPA Board Member (Name printed or typed)

Executed this 24 April day of 20 13 NJPA Contract Number # 022113-CXT

Proposer hereby accepts contract award including all accepted exceptions and NJPA clarifications identified on FORM C.

Vendor Name CXT INC

Vendor Authorized signature: [Signature] GREGG ZENTARSKY
(Name printed or typed)

Title: NE SALES MANAGER

Executed this 12TH day of 20 13 NJPA Contract Number # 022113-CXT



Brentwood City Commission Agenda

Meeting Date: 02/27/2017

Acceptance of Bid for Purchase of a Service Body Truck for Water Services Department

Submitted by: Chris Milton, Water & Sewer

Department: Water & Sewer

Information

Subject

Acceptance of Bid for Purchase of a Service Body Truck for Water Services Department

Background

The Water Services Department budget for FY 2017 includes the purchase of one service body truck (see attached picture), which will replace a 2002 truck with 150,385 miles on it. On January 31, 2017, competitive bids were publicly opened for this purchase. Two bids were received. The bids received included Dodge/Jeep/Chrysler of Columbia, Tennessee and Golden Circle Ford of Jackson, Tennessee

After evaluation by staff, with both bids meeting specifications, Golden Circle Ford was determined to have submitted the lowest and best bid in the amount of \$32,311.00 versus the bid amount of \$32,839.00 submitted by Dodge/Jeep/Chrysler of Columbia. The bid amount is in excess of the budgeted amount of \$32,000 for this truck, but is within the overall department's capital equipment fund.

Staff is seeking approval for purchase of the service truck from Golden Circle Ford at a cost of 32,311.00. Bid submittals and summary tabulation have been attached for your consideration. Please contact Chris Milton, Water Services Director should you have any questions.

Staff Recommendation

Staff recommends approval of the purchase of a service body truck from Golden Circle Ford.

Previous Commission Action

No previous Commission action.

Fiscal Impact

Amount : \$32,311.00

Source of Funds: Water & Sewer Fund

Account Number: 412-16430

Fiscal Impact:

Attachments

Summary-Bid Tabulation

Bid Submittals

Picture

BID TABULATION – CITY OF BRENTWOOD

¾ Ton Regular Cab Service Truck

Water Services Department

Tuesday, January, 31 2017 @ 2:00 p.m.

BIDDER	BASE BID	NOTES
Chrysler Dodge Jeep Ram of Columbia	\$32,839.00	
Golden Circle Ford*	\$32,311.00	

*Apparent Low Bid

cc: Kirk Bednar
Jay Evans
Richard Parker
Chris Milton
Debbie Hedgepath (files)

Bid Summary Form

Bid solicitation for one (1) 9,000 Lb. Minimum GVWR, 4x4, ¾ ton regular cab truck with service body bed.

City of Brentwood, TN- Water Services Department

Date: January 31, 2017

This bid submitted by: Golden Circle Ford
(Company Submitting Bid)

Located at 1432 Hwy 45 By-Pass, Jackson, TN 38305
(Street Address) (City, State)

Bid Item Description	Bid Amount Tendered
9,000 LB, GVWR, 4x4, ¾ ton, Regular Cab Truck with Service Body Bed	\$ <u>32,311.00</u> Each
Model Year Offered: <u>2017</u>	
Total This Bid	\$

I certify that the items offered for the intended use by the City of Brentwood, TN meet or exceed all Specifications and Warranty requirements as indicated in these bid documents unless otherwise noted. I understand the City of Brentwood may accept or reject any and/or all bids which is deemed in the best interest of the citizenry of the City of Brentwood, TN.

By:  Steven Blackstock Date: 1-27-17
Authorized Representative

Print Name of the Above Signee: Steven Blackstock

Phone Number: 731-664-0873

Anticipated Delivery Date: Allow 180 days A/O

Bid Summary Form

Bid solicitation for one (1) 9,000 Lb. Minimum GVWR, 4x4, ¾ ton regular cab truck with service body bed.

City of Brentwood, TN- Water Services Department

Date: January 31, 2017

This bid submitted by: C D JR of Columbia
(Company Submitting Bid)

Located at 1065 James Campbell Blvd, Columbia, TN
(Street Address) (City, State)

Bid Item Description	Bid Amount Tendered
9,000 LB, GVWR, 4x4, ¾ ton, Regular Cab Truck with Service Body Bed	\$ <u>32,839.-</u> Each
Model Year Offered: <u>2017</u>	
Total This Bid	\$ <u>32,839.00</u>

I certify that the items offered for the intended use by the City of Brentwood, TN meet or exceed all Specifications and Warranty requirements as indicated in these bid documents unless otherwise noted. I understand the City of Brentwood may accept or reject any and/or all bids which is deemed in the best interest of the citizenry of the City of Brentwood, TN.

By:  Date: 1/30/17
Authorized Representative

Print Name of the Above Signee: Craig Baton

Phone Number: 615-243-1528

Anticipated Delivery Date: 16-18 wks - A.R.O.



Brentwood City Commission Agenda

Meeting Date: 02/27/2017

Ordinance 2017-01 - An Ordinance Amending the Municipal Code to Provide for the Regulation of Mobile Food Vendors

Submitted by: Roger Horner, Legal

Department: Legal

Information

Subject

Ordinance 2017-01 - Amendments to the Brentwood Municipal Code to provide for the regulation of mobile food vendors

Background

At the November 10, 2016 Board of Commissioners briefing, staff presented a draft of an ordinance that would establish regulations for mobile food vendors. "Mobile food vendors" include food trucks and ice cream trucks that sell to the general public, as well as canteen trucks that generally serve a more targeted group, such as workers at a construction site.

The Brentwood Municipal Code does not currently address mobile food vendors. While their operations would be allowed in commercial zoning districts that generally allow retail sales, the demand for food trucks has been particularly prominent in office areas where retail sales are not permitted. For example, businesses in Maryland Farms have expressed interest in hosting food trucks on occasion for company events or as a lunchtime alternative for employees. City staff has advised office park tenants that, under current regulations, food truck sales in the C-1 zoning district are prohibited. In contrast, the City has allowed food trucks in service-institutional zones in conjunction with special events, usually with Planning Commission approval, although there are no clear regulations to guide the City in approving the use of food trucks in these zones. The City also has no specific regulations to address health and safety matters, traffic impacts, waste management and other operational issues associated with mobile food vendors, nor is there a permitting process in place.

Based on research by staff, review of regulations from other cities, comments submitted by food truck representatives and input received from the Board of Commissioners, staff drafted the attached Ordinance 2017-01 which was approved on first reading on January 10, 2017. This ordinance addressed operating and permitting issues for mobile food vendors. Standards established by the ordinance included the following:

- *Permits.* No mobile food vendor may sell to the public in Brentwood without

obtaining a mobile food vendor permit from the City. (Vendors providing only catering services for private events on a pre-arranged basis would not be subject to this permitting requirement.) Permits will be issued on a calendar year basis, provided that City staff may administratively establish an alternate permit period. A fee of \$50 will be required for both new applications and renewals, except that the fee will be doubled to \$100 for any vendor found to be operating without a permit. If a vendor is found to be operating without a permit, City staff may authorize the vendor to continue operating for no more than two hours, after which the vendor may not operate within the City without first obtaining a permit.

- *Food truck rallies.* A separate food truck rally permit is required for a gathering of more than two mobile food vendors serving the public at the same date and location. A food truck rally involving ten or fewer vendors may be administratively approved (with a \$50 application payment.) Planning Commission approval will be required for larger rallies or for rallies that are part of an event that would otherwise require Planning Commission approval (subject to payment of the applicable Planning Commission fee.) The ordinance allows the City to require a financial guarantee to ensure that the grounds will be cleared of debris and any damage to the public right-of-way is repaired. All food truck rally permits are subject to various conditions of approval aimed at promoting good health, safety, cleanliness and traffic management practices. (See below regarding proposed amendments to the ordinance's provisions for food truck rallies.)
- *Right-of-way/public property.* Food trucks may not park in the public right-of-way or other public property, except as specifically allowed by the City (or other public entity owning the property.) Ice cream trucks are allowed in the right-of-way for up to 15 minutes at a time, and must then move at least ¼ mile before parking again. Canteen trucks are allowed in the right-of-way only where the surrounding area is undergoing construction activity. All mobile food vendors are required to comply with all applicable parking regulations and to avoid interference with normal vehicular and pedestrian traffic and access to other businesses.
- *Private property.* Mobile food vendors operating on private property must have the property owner's written permission. Food trucks are limited to occupying no more than four parking spaces each. Except for approved food truck rallies, no more than two food trucks per location are allowed at the same time. Food trucks and ice cream trucks (but not canteen trucks) are prohibited from operating on unimproved property (i.e., property with no building.)
- *Hours of operation.* Limitations on hours of operation are established:
 - Food trucks – 7:00 a.m. until 9:00 p.m.
 - Canteen trucks – 7:00 a.m. until 6:00 p.m.
 - Ice cream trucks – 11:00 a.m. until sunset.
- *Safety.* Compliance with applicable fire and electrical codes is required, along with any other safety requirements imposed by the Fire and Rescue Department. All state and county health regulations and licensing requirements must be met.

- *Waste collection.* Operators are held responsible for cleanliness of the area extending 50 feet from their vehicles and are required to maintain sufficient trash receptacles.
- *Signage.* Each mobile food vendor is allowed one sandwich board sign, to be placed no further than two feet from the vehicle, in addition to signs on the vehicle itself.
- *Exterior cooking equipment.* Smokers or other exterior cooking equipment must be surrounded with traffic safety cones and may not create safety hazards for the public.
- *Citations.* Codes enforcement officers and police officers may issue citations for noncompliance, including operating without a permit or holding a food truck rally without prior approval. Depending on circumstances, citations may be issued to the operator or any employee of a mobile food service vehicle, or to the owner of the property where the vehicle is operating. Citations may also be issued to an entity or organization hosting a food truck rally or the person in charge of the rally.
- *Suspensions.* Vendor permits will be suspended if: an applicant knowingly provided false information; a vendor has committed two violations of the ordinance within a six-month period; or a vendor fails to maintain other required registrations, permits or licenses or required vehicle insurance. The permit will be reinstated if the vendor corrects all noncompliance issues and pays a reinstatement fee of \$500.00.
- *Revocations.* Vendor permits will be revoked if: four violations of the ordinance have occurred within 12 months; or the vendor operates in an unlawful manner that constitutes a breach of the peace or otherwise threatens the public health, safety or welfare. The vendor may apply for a new permit after 12 months from the date of revocation if all noncompliance issues have been resolved and a reinstatement fee of \$500 is paid.
- *Appeals.* Mobile food vendor permit denials, revocations and suspensions may be appealed to the City Manager. The City Manager may reverse the denial, revocation or suspension, or may reduce the waiting period for reinstatement of a revoked permit if reasonable steps have been taken to mitigate the violations and to prevent future violations.

The points discussed above are a summary of the proposed regulations. Complete details are found in the 16-page ordinance. Note that the ordinance adopted on first reading did not specifically address mobile food vendor operations in parks, other than to require that permission must be obtained to operate on public property.

In response to suggestions from both the Board of Commissioners and the Planning Commission, and to better clarify mobile food vendor operations and approvals in parks, staff has prepared proposed amendments to Ordinance 2017-01 for consideration on second reading. A redlined version of the amended ordinance, highlighting the proposed amendments, is attached. These amendments were discussed with the Board of Commissioners at its briefing on February 9. The amendments clarify a few points

regarding food truck rallies:

- All food truck rally applications would start with the permit administrator (Planning Director or his designee.)
- Food truck rallies involving three or more trucks in a City park would require Park Board approval before a food truck rally permit is issued. (Fewer than three food trucks in a City park would not require a permit but would be subject to rules and regulations adopted by the Park Board.)
- Food truck rallies with more than 10 trucks on either public or private property would require Planning Commission approval before a food truck rally permit is issued. Planning Commission approval might also be needed for smaller food truck rallies that are part of a special event that would otherwise require Planning Commission approval for some reason (such as the Komen run.)
- If a food truck rally in a City park involves more than 10 trucks, both Park Board and Planning Commission approval will be required.
- All other food truck rallies would require only the approval of the permit administrator.
- Language about the option to require financial guarantees and the decision to approve or deny a food truck rally permit is expanded.

Additional proposed amendments to Ordinance 2017-01 for second reading include the following:

- A requirement regarding restrooms is removed. The language approved on first reading required a written agreement for use of an indoor restroom no more than 150 feet away when a food truck operates at a location for more than three hours. (In some cases, such as public park locations, a 150 feet maximum may be impractical.)
- With each application for a mobile food vendor permit, the applicant would be required to include a certificate of insurance coverage, including required motor vehicle coverage.

A companion ordinance, Ordinance 2017-02, will also be on the February 27 agenda for consideration on final reading. Ordinance 2017-02 would make food trucks a permitted use in all commercial zones, and on a more limited basis for special events in service-institutional and residential zones.

Please contact the City Manager, City Attorney or Planning and Codes Director if you have any questions about Ordinance 2017-01 or Ordinance 2017-02.

Staff Recommendation

Staff recommends passage of Ordinance 2017-01, with the amendments proposed for second reading.

Previous Commission Action

Ordinance 2017-01 was passed unanimously on first reading by the Board of Commissioners on January 10, 2017.

Fiscal Impact**Attachments**

Ordinance 2017-01, as passed on first reading

Ordinance 2017-01 with proposed amendments for second reading

ORDINANCE 2017-01

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY ADDING A NEW ARTICLE TO CHAPTER 18 THEREIN, PROVIDING FOR THE REGULATION OF MOBILE FOOD VENDORS

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

WHEREAS, the Brentwood Municipal Code does not currently address mobile food vending; and

WHEREAS, it is appropriate to establish reasonable regulations to govern mobile food vending in the City of Brentwood, 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.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1: That Chapter 18 of the Code of Ordinances of the City of Brentwood is hereby amended by adding a new article, to be designated as Article VI and to read as follows:

ARTICLE VI. MOBILE FOOD VENDORS

Sec. 18-181. – Purpose.

The city finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the city. This article 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.

Sec. 18-182. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canteen truck means a vehicle that operates to provide food services to workers at locations where access to such services is otherwise unavailable or impractical (e.g., a

construction site); from which the operator sells food and beverages that require no on-site preparation or assembly other than the heating of pre-cooked foods; and is not advertised in any form to the general public except by virtue of signage on the vehicle. Products sold from canteen trucks may include fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods and pre-packaged drinks.

Commissary means an establishment or facility in a fixed location that is used for the storage of supplies for a mobile food service vehicle, the preparation of food to be sold or served at a mobile food service vehicle, or the cleaning or servicing of a mobile food service vehicle or the equipment used in conjunction with a mobile food service vehicle.

Edible food products means those products that are ready for immediate consumption, including prepackaged food and food cooked, prepared or assembled on-site. The term "edible food products" does not include fresh produce unless the produce has been packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared for consumption.

Food truck means a vehicle from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public, provided further that food trucks may also sell other edible food products and beverages that have been prepared or assembled elsewhere. Food truck operators may market their products to the public via advertising, including social media.

Food truck rally means a coordinated and advertised gathering of more than two mobile food service vehicles in one location on a date certain with the intent to serve the public.

Food truck rally permit means a permit issued by the city for a food truck rally.

Ice cream truck means a vehicle from which the operator sells only pre-packaged frozen dairy or water-based food products and pre-packaged beverages. For purposes of this article, a non-motorized cart from which such products are sold shall be considered an ice cream truck.

Location means any single property parcel or any combination of contiguous parcels that are owned or controlled by a single entity or affiliated entities.

Mobile food service vehicle means a food truck, canteen truck or ice cream truck and includes any portable unit that is attached to a motorized vehicle and intended for use in the operation of a food truck, canteen truck or ice cream truck.

Mobile food vendor permit means a permit issued by the city for the operation of a mobile food service vehicle.

Operate means to sell food, beverages, and other permitted items from a mobile food service vehicle and includes all tenses of the word.

Operator means any person operating or permitted to operate a mobile food service vehicle.

Permit administrator means the city's planning and codes director or a person designated by the planning and codes director to oversee the issuance, suspension and revocation of mobile food vendor permits and food truck rally permits.

Vehicle means every device in, upon or by which any person or property may be transported or drawn upon a street, including devices moved by human power.

Sec. 18-183. – Generally.

(a) It is a violation to operate a mobile food service vehicle at any location except in compliance with the requirements of this article.

(b) Mobile food service vehicle operators must comply with all federal, state and local licensing and permitting regulations and all business tax, sales tax and other tax requirements.

(c) The city manager is hereby authorized to promulgate rules and regulations supplemental to the provisions herein for the purpose of carrying out the administration and enforcement of such provisions.

Sec. 18-184. – Locations and hours of operation.

(a) Food trucks.

(1) Right-of-way/public property. Food trucks may not operate within the public right-of-way or on any city property except as may be specifically allowed by the city. When allowed in the public right-of-way, a food truck must be positioned so as to comply with the requirements of section 18-185(b) herein. Food trucks may not operate on property owned by a public entity other than the city unless specifically allowed by such public entity. No unattended food truck shall be left at any time in the right-of-way or parked on any other public property overnight.

(2) Private property. A food truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under Chapter 78 (Zoning) of this Code, subject to the following conditions:

- a. Permission. Food trucks selling to the public from private property shall have the written permission of the property owner, which shall be

made available to the city immediately upon request.

- b. Unimproved properties. Regardless of any agreement with the owner of the property, a food truck may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "improved" if it contains a building that may be occupied pursuant to applicable building codes.
- c. Maximum number of food trucks. No more than two food trucks may operate at any location unless a food truck rally permit has been issued.
- d. Placement on lot. Food truck operations, including any canopies, signage, equipment and seating areas, may not occupy more than four parking spaces per food truck. Food trucks not parked within designated parking spaces shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.

(3) Restroom facility. Food truck operators operating at a location for a duration of more than three hours must have a written agreement, available upon request by the city, that permits employees to have access to an indoor restroom in a building no more than 150 feet from the vending location during all hours of operation.

(4) Hours of operation. Food trucks may operate beginning at 7:00 a.m. and ending at 9:00 p.m. unless otherwise restricted by the operator's mobile food vendor permit or by the property owner. The city may permit extended hours of operation for a food truck rally.

(b) Canteen trucks.

- (1) Right-of-way/public property. A canteen truck with a current mobile food vendor permit may operate from the right-of-way adjacent to a clearly delineated location to cater to on-site workers. A clearly delineated location is one in which the boundaries are defined by the use of fencing enclosing the location or where the surrounding area is undergoing construction activity. Canteen trucks may not operate within any other public right-of-way or on any city property except as may be specifically allowed by the city. When allowed in the public right-of-way, a canteen truck must be positioned so as to comply with the requirements of section 18-185(b) herein. Canteen trucks may not operate on property owned by a public entity other than the city unless specifically allowed by such public entity. No unattended canteen truck shall be left at any time in the right-of-way or parked on any other public property overnight.

- (2) Private property. A canteen truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under Chapter 78 (Zoning) of this Code, subject to the following conditions:
- a. Permission. Canteen trucks operating on private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.
 - b. Unimproved properties. A canteen truck may operate on an unimproved parcel only if the parcel or an adjoining parcel is undergoing construction activity.
 - c. Placement on lot. Canteen trucks shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.
- (3) Hours of operation. Canteen trucks may operate beginning at 7:00 a.m. and ending at 6:00 p.m. unless otherwise restricted by the operator's mobile food vendor permit. A canteen truck shall not remain in the public right-of-way for more than one hour during a day.

(c) Ice cream trucks.

- (1) Right-of-way/public property. An ice cream truck with a current mobile food vendor permit may operate from the right-of-way at any one location for no more than 15 minutes before relocating to another location not less than one-quarter mile from the previous location. When operating in the public right-of-way, an ice cream truck must be positioned so as to comply with the requirements of section 18-185(b) herein. Ice cream trucks may not operate on any other property owned by the city or another public entity except as may be specifically allowed by the city or other public entity. No unattended ice cream truck shall be left at any time in the right-of-way or parked on any other public property overnight.
- (2) Private property. An ice cream truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under Chapter 78 (Zoning) of this Code, subject to the following conditions:
- a. Permission. Ice cream trucks operating on private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.
 - b. Unimproved properties. Regardless of any agreement with the owner of the property, an ice cream truck may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "improved" if

it contains a building that may be occupied pursuant to applicable building codes.

- c. Placement on lot. Ice cream trucks shall not block fire lanes, designated traffic lanes or ingress and egress to and from a building or street.
- (3) Hours of operation. Ice cream trucks may operate beginning at 11:00 a.m. and ending at sunset unless otherwise restricted by the operator's mobile food vendor permit.

Sec. 18-185. – Operating requirements.

(a) Vehicle requirements.

- (1) Design and construction. Mobile food service vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not compatible with the purpose for which the vehicle has been designed and constructed.
- (2) Licensing. Mobile food service vehicles must be licensed and equipped in accordance with the rules and regulations of all local, state and federal agencies having jurisdiction over such vehicles. The preparation and sale of food from mobile food service vehicles must comply with all applicable local, state and federal laws and regulations.

(b) Right-of-way.

- (1) Mobile food service vehicles other than ice cream trucks may not operate, stop, stand or park in any area of the right-of-way that is intended for use by vehicular travel, except in the event of a street closure for a special event. Mobile food service vehicles, including ice cream trucks, may not operate, stop, stand or park that in any way violates the provisions of Chapter 70 (Traffic and Vehicles) of this Code, impedes the flow of traffic, interferes with ingress or egress to or from any property or presents an unsafe condition for patrons, pedestrians or other vehicles.
- (2) Mobile food service vehicles shall park facing the same direction as traffic, at a distance of no more than 18 inches between the curb face or edge of pavement and with the service window of the vehicle facing the curb or edge or pavement.
- (3) When a mobile food service vehicle is allowed to operate in the public right-of-way, no seating area shall be provided, except as permitted in conjunction with a street closure for a special event.

(c) Business access. No mobile food service vehicle may operate in a location that:

- (1) Impedes the ingress to or egress from another business or otherwise causes undue interference with access to another business; or
- (2) Blocks the lawfully placed signage of another business.
- (3) Prevents access to another business by emergency vehicles.

(d) Pedestrians. If on or adjacent to a sidewalk, the components of a mobile food service vehicle's operations, including signage, seating areas and patron queue may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet. All awnings or canopies of the vehicle shall be at least six feet, eight inches above the sidewalk.

(e) Distance between units. A mobile food service vehicle may not operate within three feet of any other mobile food service vehicle.

(f) Safety and fire prevention. All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including applicable fire and electrical codes and any other safety requirements imposed by the city's fire and rescue department. No cooking equipment other than a heating apparatus compliant with applicable safety regulations may be used in a canteen truck. No cooking or heating equipment may be used in an ice cream truck. All mobile food service vehicles must be equipped with fire extinguishers that are inspected annually and certified as meeting National Fire Protection Association standards. No power cord, cable or equipment shall be extended across any public street, sidewalk or other public property.

(g) Noise. No sounds that are prohibited by chapter 42, article VI, division 2 of this Code may be produced by a mobile food service vehicle's operations.

(h) Support methods. No mobile food service vehicle may use stakes, rods or any other method of support that must be drilled, driven or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks or buildings.

(i) Spills. To prevent discharges into waterways, drainage systems or public sewer systems, each food truck shall comply with all stormwater regulations of the city and all regulations regarding prohibited discharges to public sewers. In addition, each vehicle shall have a spill response plan to contain and remediate any discharge from the vehicle.

(j) Waste collection. The area of a mobile food service vehicle operation must be kept neat and orderly at all times. Operation of a mobile food service vehicle in an area is deemed acceptance by the operator of the responsibility for cleanliness of the area surrounding the operations (not less than 50 feet from all parts of the vehicle) regardless of the occurrence or source of any waste in the area. During each period of operation at a location, the operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all

trash generated by the mobile food service vehicle. All trash receptacles must be emptied when full, and all waste must be removed prior to departure of a mobile food service vehicle from a location.

(k) Pedestrian service only. Mobile food service vehicles shall serve pedestrians only. Drive-through or drive-in service is prohibited.

(l) Signage. Signage for each mobile food service vehicle shall be limited to signs on the exterior or interior of the vehicle and one sandwich board sign. All signs on the exterior of the vehicle shall be secured and shall not project more than six inches from the vehicle. One sandwich board sign may be placed outside the mobile food service vehicle, provided that the base of a sandwich board sign must be placed no further than two feet beyond the mobile food service vehicle. Sandwich board signs shall not exceed eight square feet per side or 48 inches in height and shall not obstruct or impede pedestrian or vehicular traffic.

(m) Alcohol sales. Food trucks may not sell alcoholic beverages, except as may be specifically allowed by applicable state law and city ordinance. Canteen trucks and ice cream trucks are prohibited from selling alcoholic beverages.

(n) Insurance.

- (1) Mobile food service vehicles must maintain all motor vehicle insurance coverage required by applicable state and federal laws and regulations.
- (2) Mobile food service vehicles operating on city property other than the right-of-way shall at all times maintain such further insurance coverage as may be required by the city manager. In the event the required coverage is not properly maintained, permission to operate on city property will be immediately revoked.

(o) Exterior cooking equipment. Any food preparation equipment outside of the mobile food service vehicle shall not obstruct vehicular or pedestrian traffic, and the use and operation of such equipment shall not create safety hazards for the public. Food shall not be served to customers directly from any outside food preparation equipment. Any smoker or other exterior equipment that generates heat shall be surrounded with at least three traffic safety cones.

(p) Commissary. A commissary, as defined in this article, shall not be located in any residential zoning district unless permitted as a home occupation in compliance with chapter 78 of this Code.

Sec. 18-186. – Mobile food vendor permits.

(a) Required. The designated permit administrator shall oversee the issuance, suspension and revocation of mobile food vendor permits. No mobile food service vehicle may operate within the city without a mobile food vendor permit issued by the city. A mobile food

vendor permit authorizes the holder only to engage in the vending of products from a mobile food service vehicle in compliance with this Code and as specified on the permit. The mobile food vendor permit must be prominently displayed when the mobile food service vehicle is in operation. This section shall not apply to contractual arrangements between a mobile food service vehicle operator and any individual, group or entity for pre-arranged catering at a specific location for a period of not more than four hours, provided that the mobile food service vehicle is not open to or serving the general public.

(b) Application.

- (1) In order to obtain a mobile food vendor permit, a mobile food service vehicle operator must complete an application form provided by the city. The application shall include the following information:
 - a. Name and address of the owner of the vehicle.
 - b. Name and address of the operator of the vehicle.
 - c. Color photographs of the exterior (front, side, and back) of the vehicle in its final condition and with all markings under which it will operate.
 - d. A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the vehicle.
 - e. A copy of the state or county health department license or permit applicable to mobile food providers.
 - f. A copy of any alcoholic beverage licenses, if applicable.
 - g. A copy of the operator's business license.
 - h. A signed acknowledgement that the operator has read this article and will comply with all applicable requirements herein.
 - i. Any additional information required by the permit administrator.
- (2) Submittal of an application for a mobile food vendor permit must be accompanied by payment of an application fee in the amount of \$50.00, provided that for any mobile food service vehicle previously found to be operating within the city without a current permit, the application fee shall be \$100.00.
- (3) 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 service

vehicle in the event of any change in the appearance of or signage on the vehicle.

(c) Issuance. A mobile food vendor permit shall be issued upon verification that an application has been completed in accordance with the requirements of this section, except that no such permit will be issued to an operator whose permit is currently suspended or has been revoked within the preceding 12 months, or to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding 12 months. If the permit administrator denies the application, such denial shall be in writing and provided to the applicant within 15 days of receipt of the application.

(d) Expiration. All mobile food vendor permits shall expire on December 31 of each year, or on such alternate date as may be set by the permit administrator. A mobile food vendor permit may be renewed for the next 12-month period, provided that all applicable requirements are met and the permit is not currently suspended or has not been revoked within the preceding 12 months. The fee for renewal shall be the same as the application fee for a new mobile food vendor permit.

(e) Transferability. A mobile food vendor permit may not be transferred except as part of the sale of a controlling interest in a business holding the permit or a sale of substantially all of the assets of a business holding the permit. The operator of the mobile food service vehicle shall notify the city within ten days of any such sale and shall update any information that has been changed since the submittal of the application for the mobile food vendor permit.

(f) Temporary permit. If an operator of a mobile food service vehicle has not previously obtained a mobile food vendor permit and is found to be operating within the city, city staff may authorize the operator to continue operating for not more than two hours, provided that the operations must comply with the location and hours of operation requirements set forth in section 18-184 herein. Thereafter, the operator shall not operate a mobile food service vehicle within the city without first paying the required application fee and obtaining a mobile food vendor permit as required by this section.

Sec. 18-187. - Food truck rally permits.

(a) Applicability. All food truck rallies on public or private property require a food truck rally permit. The permit administrator shall oversee the issuance of food truck rally permits. Approval of the planning commission shall be required for food truck rallies involving more than ten mobile food service vehicles or for events that include a food truck rally and would otherwise require planning commission approval. All other food truck rallies shall be approved by the permit administrator.

(b) Application.

(1) In order to obtain a food truck rally permit, the entity or organization hosting the

food truck rally must complete an application form provided by the city. The application shall include the following information:

- a. Name and address of the owner of the entity or organization hosting the food truck rally.
 - b. Name of person in charge of the food truck rally and a telephone number that may be used to contact such person during the food truck rally.
 - c. Name and address of the owner of the property on which the food truck rally will be held, along with the property owner's written authorization.
 - d. A site plan of the property on which the food truck rally will be held, showing proposed location of each food truck; location of any portable restroom facilities, if applicable; and location of any stages, tents, seating areas and any other facilities, structures or equipment to be used in conjunction with the food truck rally.
 - e. Written description of the plans for the food truck rally, including parking locations, traffic control plans and the anticipated hours of operation.
 - f. A list of all mobile food service vehicles participating in the food truck rally, along with confirmation that each vehicle operator has obtained or will obtain a mobile food vendor permit from the city.
- (2) Submittal of an application for a food truck rally requiring the approval of the planning commission must be accompanied by payment of the required planning commission application fee. Submittal of an application for a food truck rally not requiring planning commission approval must be accompanied by payment of an application fee in the amount of \$50.00.
- (3) An application for a food truck rally permit requiring the approval of the planning commission shall be filed with the permit administrator in accordance with the city's schedule for submittal of items to the planning commission. An application for a food truck rally permit not requiring planning commission approval shall be filed with the permit administrator at least 30 days prior to the date on which the food truck rally is to be held. At the discretion of the permit administrator, taking into account the feasibility of processing and approving the application, an application may be accepted by the permit administrator less than 30 days prior to a food truck rally.
- (c) Financial guarantees.
- (1) The permit administrator or the planning commission may establish requirements for the posting of a financial guarantee prior to issuance of a food

truck rally permit to ensure that:

- a. The premises will be cleared of all debris during and after the food truck rally.
 - b. Any damage to the public right-of-way resulting from the food truck rally is repaired.
- (2) Any financial guarantee required shall be returned to the applicant only after all costs for removal of debris or repairs to public right-of-way damage have been deducted. In the event the financial guarantee is not sufficient to cover such costs, the entity or organization hosting the food truck rally shall be responsible for paying all remaining costs.

(d) Issuance. Except where the approval of the planning commission is required, the permit administrator shall issue a food truck rally permit if the city determines that the application is complete, that the food truck rally will comply with the standards set forth in this article, and that appropriate measures have been taken to protect the public health, safety, and welfare. If the permit administrator denies the application, such denial shall be in writing and provided to the applicant within 15 days of receipt of the application.

(e) Conditions of approval.

1. All food truck rally permits shall be subject to the following conditions:

- a. All participating mobile food service vehicles must hold a valid mobile food vendor permit.
- b. All lighting and electrical equipment brought to the site shall be subject to applicable permitting and inspection requirements, including payment of applicable fees.
- c. All tents, stages and other temporary facilities shall be subject to safety inspections by the city before use.
- d. The location shall be cleared of all trash and debris at the end of the event and cleared of all temporary structures and restored to its previous condition within 48 hours after the end of the event.
- e. Traffic control and pedestrian safety in the vicinity of the event shall be the responsibility of the permittee of the event. The city may require that city forces be employed to assist with traffic control and pedestrian safety. Costs anticipated by the city for these services shall be estimated by the city and paid at least ten days in advance by the permittee as a condition of the permit. Following the event, any overpayment shall be

refunded to the permittee, and any underpayment shall be billed to the permittee.

- (2) In order to protect the health, safety, and welfare of the general public, to mitigate the potential impacts of the food truck rally, and to ensure compliance with applicable laws and regulations, the city may impose additional conditions and restrictions on the issuance of a food truck rally permit. Such conditions and restrictions may relate to, but are not limited to, hours of operation, layout, parking and security.

Sec. 18-188. – Enforcement.

(a) Citation. Each of the following circumstances constitute a violation of this article, for which a citation may be issued by a codes enforcement officer or police officer of the city:

- (1) Operation of a mobile food service 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) Continuation of temporary mobile food service vehicle operations beyond the time period authorized by staff.
- (3) Holding a food truck rally without a permit or failing to comply with the conditions of approval for a food truck rally permit.
- (4) Failure to comply with any other provision of this article.

(b) Responsibility for violations. The city codes enforcement officers 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 article:

- (1) The operator of a mobile food service vehicle.
- (2) An employee working at a mobile food service vehicle.
- (3) The owner of the property on which a mobile food service vehicle is operated.
- (4) The entity or organization hosting a food truck rally, or the person in charge of the food truck rally.

(c) 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 article have occurred within a six month period in conjunction with the mobile food service vehicle for which the permit has been issued.
- (3) The operator of a mobile food service vehicle fails to maintain a current, valid vehicle registration, health department permit, business license or proof of required motor vehicle insurance coverage.
- (d) Revocation of permit. A mobile food vendor permit shall be revoked by the permit administrator if:
 - (1) Four violations of this article have occurred within a 12-month period.
 - (2) A mobile food service 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.
- (e) Reinstatement.
 - (1) Suspended permit. An operator may reinstate a suspended mobile food vendor permit by taking such actions as may be necessary to correct a mobile food service vehicle's noncompliance and paying a reinstatement fee of \$500 to offset the city's cost of enforcement measures, inspections and compliance verifications.
 - (2) Revoked permit. An operator whose mobile food vendor permit has been revoked may apply for a new permit after 12 months from the date of revocation, provided the operator has taken such actions as may be necessary to correct a mobile food service vehicle's noncompliance. The operator shall pay a permit reinstatement fee of \$500 to offset the city's cost of enforcement measures, inspections and compliance verifications.
 - (3) No permit will be issued to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding 12 months.
- (f) 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.

Sec. 18-189. – Appeals.

- (a) Filing. The denial, suspension or revocation of a mobile food vendor permit or the denial of a food truck rally permit by the permit administrator may be appealed by filing a written notice of appeal, establishing the grounds for the appeal, with the city manager no later

than ten business days following receipt of the notice of denial, suspension or revocation. For food truck rallies requiring the approval of the planning commission, the planning commission's decision shall be final.

(b) City manager's review. When an appeal is filed with the city manager as set forth herein, the city manager may request such additional information from the operator and the permit administrator as may be deemed necessary. At the city manager'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 city manager's decision shall be issued in writing, based on a written summation of the pertinent facts, and shall be final. The city manager 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 or food truck rally permit that has been denied. There shall be no refund of a reinstatement fee for a suspended or revoked permit unless the city manager determines on appeal that the permit administrator acted in error in suspending or revoking the permit.

SECTION 2. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

SECTION 3. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 4. That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED:	1st reading	_____	PLANNING COMMISSION	_____
	2nd reading	_____	NOTICE OF PASSAGE	
			Notice published in:	_____
PUBLIC HEARING			Date of publication:	_____
	Notice published in:	<u>Williamson (Tennessean)</u>		
	Date of publication:	_____		
	Date of hearing:	_____	EFFECTIVE DATE	_____

MAYOR Regina Smithson

RECORDER Deborah Hedgepath

Approved as to form:

CITY ATTORNEY Roger A. Horner

ORDINANCE 2017-01

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY ADDING A NEW ARTICLE TO CHAPTER 18 THEREIN, PROVIDING FOR THE REGULATION OF MOBILE FOOD VENDORS

[With proposed amendments for second/final reading]

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

WHEREAS, the Brentwood Municipal Code does not currently address mobile food vending; and

WHEREAS, it is appropriate to establish reasonable regulations to govern mobile food vending in the City of Brentwood, 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.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1: That Chapter 18 of the Code of Ordinances of the City of Brentwood is hereby amended by adding a new article, to be designated as Article VI and to read as follows:

ARTICLE VI. MOBILE FOOD VENDORS

Sec. 18-181. – Purpose.

The city finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the city. This article 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.

Sec. 18-182. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canteen truck means a vehicle that operates to provide food services to workers at locations where access to such services is otherwise unavailable or impractical (*e.g.*, a

construction site); from which the operator sells food and beverages that require no on-site preparation or assembly other than the heating of pre-cooked foods; and is not advertised in any form to the general public except by virtue of signage on the vehicle. Products sold from canteen trucks may include fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods and pre-packaged drinks.

Commissary means an establishment or facility in a fixed location that is used for the storage of supplies for a mobile food service vehicle, the preparation of food to be sold or served at a mobile food service vehicle, or the cleaning or servicing of a mobile food service vehicle or the equipment used in conjunction with a mobile food service vehicle.

Edible food products means those products that are ready for immediate consumption, including prepackaged food and food cooked, prepared or assembled on-site. The term "edible food products" does not include fresh produce unless the produce has been packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared for consumption.

Food truck means a vehicle from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public, provided further that food trucks may also sell other edible food products and beverages that have been prepared or assembled elsewhere. Food truck operators may market their products to the public via advertising, including social media.

Food truck rally means a coordinated and advertised gathering of more than two mobile food service vehicles in one location on a date certain with the intent to serve the public.

Food truck rally permit means a permit issued by the city for a food truck rally.

Ice cream truck means a vehicle from which the operator sells only pre-packaged frozen dairy or water-based food products and pre-packaged beverages. For purposes of this article, a non-motorized cart from which such products are sold shall be considered an ice cream truck.

Location means any single property parcel or any combination of contiguous parcels that are owned or controlled by a single entity or affiliated entities.

Mobile food service vehicle means a food truck, canteen truck or ice cream truck and includes any portable unit that is attached to a motorized vehicle and intended for use in the operation of a food truck, canteen truck or ice cream truck.

Mobile food vendor permit means a permit issued by the city for the operation of a mobile food service vehicle.

Operate means to sell food, beverages, and other permitted items from a mobile food service vehicle and includes all tenses of the word.

Operator means any person operating or permitted to operate a mobile food service vehicle.

Permit administrator means the city's planning and codes director or a person designated by the planning and codes director to oversee the issuance, suspension and revocation of mobile food vendor permits and food truck rally permits.

Vehicle means every device in, upon or by which any person or property may be transported or drawn upon a street, including devices moved by human power.

Sec. 18-183. – Generally.

(a) It is a violation to operate a mobile food service vehicle at any location except in compliance with the requirements of this article.

(b) Mobile food service vehicle operators must comply with all federal, state and local licensing and permitting regulations and all business tax, sales tax and other tax requirements.

(c) The city manager is hereby authorized to promulgate rules and regulations supplemental to the provisions herein for the purpose of carrying out the administration and enforcement of such provisions.

Sec. 18-184. – Locations and hours of operation.

(a) *Food trucks.*

(1) *Right-of-way/public property.* Food trucks may not operate within the public right-of-way or on any city property except as may be specifically allowed by the city. When allowed in the public right-of-way, a food truck must be positioned so as to comply with the requirements of section 18-185(b) herein. [Operation of food trucks within city parks shall be subject to rules and regulations established by the park board.](#) Food trucks may not operate on property owned by a public entity other than the city unless specifically allowed by such public entity. No unattended food truck shall be left at any time in the right-of-way or parked on any other public property overnight.

(2) *Private property.* A food truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under Chapter 78 (Zoning) of this Code, subject to the following conditions:

a. *Permission.* Food trucks selling to the public from private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.

- b. *Unimproved properties.* Regardless of any agreement with the owner of the property, a food truck may not operate on an unimproved parcel. For purposes of this section, a parcel is considered “improved” if it contains a building that may be occupied pursuant to applicable building codes.
- c. *Maximum number of food trucks.* No more than two food trucks may operate at any location unless a food truck rally permit has been issued.
- d. *Placement on lot.* Food truck operations, including any canopies, signage, equipment and seating areas, may not occupy more than four parking spaces per food truck. Food trucks not parked within designated parking spaces shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.

~~(3) — Restroom facility. Food truck operators operating at a location for a duration of more than three hours must have a written agreement, available upon request by the city, that permits employees to have access to an indoor restroom in a building no more than 150 feet from the vending location during all hours of operation.~~

~~(4)~~(3) *Hours of operation.* Food trucks may operate beginning at 7:00 a.m. and ending at 9:00 p.m. unless otherwise restricted by the operator’s mobile food vendor permit or by the property owner. The city may permit extended hours of operation for a food truck rally.

(b) *Canteen trucks.*

- (1) *Right-of-way/public property.* A canteen truck with a current mobile food vendor permit may operate from the right-of-way adjacent to a clearly delineated location to cater to on-site workers. A clearly delineated location is one in which the boundaries are defined by the use of fencing enclosing the location or where the surrounding area is undergoing construction activity. Canteen trucks may not operate within any other public right-of-way or on any city property except as may be specifically allowed by the city. When allowed in the public right-of-way, a canteen truck must be positioned so as to comply with the requirements of section 18-185(b) herein. Operation of canteen trucks within city parks shall be subject to rules and regulations established by the park board. Canteen trucks may not operate on property owned by a public entity other than the city unless specifically allowed by such public entity. No unattended canteen truck shall be left at any time in the right-of-way or parked on any other public property overnight.

- (2) *Private property.* A canteen truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under Chapter 78 (Zoning) of this Code, subject to the following conditions:
- a. *Permission.* Canteen trucks operating on private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.
 - b. *Unimproved properties.* A canteen truck may operate on an unimproved parcel only if the parcel or an adjoining parcel is undergoing construction activity.
 - c. *Placement on lot.* Canteen trucks shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.
- (3) *Hours of operation.* Canteen trucks may operate beginning at 7:00 a.m. and ending at 6:00 p.m. unless otherwise restricted by the operator's mobile food vendor permit. A canteen truck shall not remain in the public right-of-way for more than one hour during a day.

(c) *Ice cream trucks.*

- (1) *Right-of-way/public property.* An ice cream truck with a current mobile food vendor permit may operate from the right-of-way at any one location for no more than 15 minutes before relocating to another location not less than one-quarter mile from the previous location. When operating in the public right-of-way, an ice cream truck must be positioned so as to comply with the requirements of section 18-185(b) herein. [Operation of ice cream trucks within city parks shall be subject to rules and regulations established by the park board.](#) Ice cream trucks may not operate on any other property owned by the city or another public entity except as may be specifically allowed by the city or other public entity. No unattended ice cream truck shall be left at any time in the right-of-way or parked on any other public property overnight.
- (2) *Private property.* An ice cream truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under Chapter 78 (Zoning) of this Code, subject to the following conditions:
- a. *Permission.* Ice cream trucks operating on private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.
 - b. *Unimproved properties.* Regardless of any agreement with the owner of the property, an ice cream truck may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "improved" if

it contains a building that may be occupied pursuant to applicable building codes.

- c. *Placement on lot.* Ice cream trucks shall not block fire lanes, designated traffic lanes or ingress and egress to and from a building or street.
- (3) *Hours of operation.* Ice cream trucks may operate beginning at 11:00 a.m. and ending at sunset unless otherwise restricted by the operator's mobile food vendor permit.

Sec. 18-185. – Operating requirements.

(a) *Vehicle requirements.*

- (1) *Design and construction.* Mobile food service vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not compatible with the purpose for which the vehicle has been designed and constructed.
- (2) *Licensing.* Mobile food service vehicles must be licensed and equipped in accordance with the rules and regulations of all local, state and federal agencies having jurisdiction over such vehicles. The preparation and sale of food from mobile food service vehicles must comply with all applicable local, state and federal laws and regulations.

(b) *Right-of-way.*

- (1) Mobile food service vehicles other than ice cream trucks may not operate, stop, stand or park in any area of the right-of-way that is intended for use by vehicular travel, except in the event of a street closure for a special event. Mobile food service vehicles, including ice cream trucks, may not operate, stop, stand or park that in any way violates the provisions of Chapter 70 (Traffic and Vehicles) of this Code, impedes the flow of traffic, interferes with ingress or egress to or from any property or presents an unsafe condition for patrons, pedestrians or other vehicles.
- (2) Mobile food service vehicles shall park facing the same direction as traffic, at a distance of no more than 18 inches between the curb face or edge of pavement and with the service window of the vehicle facing the curb or edge or pavement.
- (3) When a mobile food service vehicle is allowed to operate in the public right-of-way, no seating area shall be provided, except as permitted in conjunction with a street closure for a special event.

(c) *Business access.* No mobile food service vehicle may operate in a location that:

- (1) Impedes the ingress to or egress from another business or otherwise causes undue interference with access to another business; or
- (2) Blocks the lawfully placed signage of another business.
- (3) Prevents access to another business by emergency vehicles.

(d) *Pedestrians.* If on or adjacent to a sidewalk, the components of a mobile food service vehicle's operations, including signage, seating areas and patron queue may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet. All awnings or canopies of the vehicle shall be at least six feet, eight inches above the sidewalk.

(e) *Distance between units.* A mobile food service vehicle may not operate within three feet of any other mobile food service vehicle.

(f) *Safety and fire prevention.* All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including applicable fire and electrical codes and any other safety requirements imposed by the city's fire and rescue department. No cooking equipment other than a heating apparatus compliant with applicable safety regulations may be used in a canteen truck. No cooking or heating equipment may be used in an ice cream truck. All mobile food service vehicles must be equipped with fire extinguishers that are inspected annually and certified as meeting National Fire Protection Association standards. No power cord, cable or equipment shall be extended across any public street, sidewalk or other public property.

(g) *Noise.* No sounds that are prohibited by chapter 42, article VI, division 2 of this Code may be produced by a mobile food service vehicle's operations.

(h) *Support methods.* No mobile food service vehicle may use stakes, rods or any other method of support that must be drilled, driven or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks or buildings.

(i) *Spills.* To prevent discharges into waterways, drainage systems or public sewer systems, each food truck shall comply with all stormwater regulations of the city and all regulations regarding prohibited discharges to public sewers. In addition, each vehicle shall have a spill response plan to contain and remediate any discharge from the vehicle.

(j) *Waste collection.* The area of a mobile food service vehicle operation must be kept neat and orderly at all times. Operation of a mobile food service vehicle in an area is deemed acceptance by the operator of the responsibility for cleanliness of the area surrounding the operations (not less than 50 feet from all parts of the vehicle) regardless of the occurrence or source of any waste in the area. During each period of operation at a location, the operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash

generated by the mobile food service vehicle. All trash receptacles must be emptied when full, and all waste must be removed prior to departure of a mobile food service vehicle from a location.

(k) *Pedestrian service only.* Mobile food service vehicles shall serve pedestrians only. Drive-through or drive-in service is prohibited.

(l) *Signage.* Signage for each mobile food service vehicle shall be limited to signs on the exterior or interior of the vehicle and one sandwich board sign. All signs on the exterior of the vehicle shall be secured and shall not project more than six inches from the vehicle. One sandwich board sign may be placed outside the mobile food service vehicle, provided that the base of a sandwich board sign must be placed no further than two feet beyond the mobile food service vehicle. Sandwich board signs shall not exceed eight square feet per side or 48 inches in height and shall not obstruct or impede pedestrian or vehicular traffic.

(m) *Alcohol sales.* Food trucks may not sell alcoholic beverages, except as may be specifically allowed by applicable state law and city ordinance. Canteen trucks and ice cream trucks are prohibited from selling alcoholic beverages.

(n) *Insurance.*

- (1) Mobile food service vehicles must maintain all motor vehicle insurance coverage required by applicable state and federal laws and regulations.
- (2) Mobile food service vehicles operating on city property other than the right-of-way shall at all times maintain such further insurance coverage as may be required by the city manager. In the event the required coverage is not properly maintained, permission to operate on city property will be immediately revoked.

(o) *Exterior cooking equipment.* Any food preparation equipment outside of the mobile food service vehicle shall not obstruct vehicular or pedestrian traffic, and the use and operation of such equipment shall not create safety hazards for the public. Food shall not be served to customers directly from any outside food preparation equipment. Any smoker or other exterior equipment that generates heat shall be surrounded with at least three traffic safety cones.

(p) *Commissary.* A commissary, as defined in this article, shall not be located in any residential zoning district unless permitted as a home occupation in compliance with chapter 78 of this Code.

Sec. 18-186. – Mobile food vendor permits.

(a) *Required.* The designated permit administrator shall oversee the issuance, suspension and revocation of mobile food vendor permits. No mobile food service vehicle may operate within the city without a mobile food vendor permit issued by the city. A mobile food vendor permit authorizes the holder only to engage in the vending of products from a mobile food service

vehicle in compliance with this Code and as specified on the permit. The mobile food vendor permit must be prominently displayed when the mobile food service vehicle is in operation. This section shall not apply to contractual arrangements between a mobile food service vehicle operator and any individual, group or entity for pre-arranged catering at a specific location for a period of not more than four hours, provided that the mobile food service vehicle is not open to or serving the general public.

(b) Application.

(1) In order to obtain a mobile food vendor permit, a mobile food service vehicle operator must complete an application form provided by the city. The application shall include the following information:

- a. Name and address of the owner of the vehicle.
- b. Name and address of the operator of the vehicle.
- c. Color photographs of the exterior (front, side, and back) of the vehicle in its final condition and with all markings under which it will operate.
- d. A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the vehicle.
- e. A copy of the state or county health department license or permit applicable to mobile food providers.
- f. A copy of any alcoholic beverage licenses, if applicable.

g. A copy of the operator's business license.

~~g.~~h. A certificate of insurance coverage, including required motor vehicle insurance coverage.

~~h.~~i. A signed acknowledgement that the operator has read this article and will comply with all applicable requirements herein.

~~i.~~j. Any additional information required by the permit administrator.

(2) Submittal of an application for a mobile food vendor permit must be accompanied by payment of an application fee in the amount of \$50.00, provided that for any mobile food service vehicle previously found to be operating within the city without a current permit, the application fee shall be \$100.00.

(3) 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 service vehicle in the event of any change in the appearance of or signage on the vehicle.

(c) *Issuance.* A mobile food vendor permit shall be issued upon verification that an application has been completed in accordance with the requirements of this section, except that no such permit will be issued to an operator whose permit is currently suspended or has been revoked within the preceding 12 months, or to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding 12 months. If the permit administrator denies the application, such denial shall be in writing and provided to the applicant within 15 days of receipt of the application.

(d) *Expiration.* All mobile food vendor permits shall expire on December 31 of each year, or on such alternate date as may be set by the permit administrator. A mobile food vendor permit may be renewed for the next 12-month period, provided that all applicable requirements are met and the permit is not currently suspended or has not been revoked within the preceding 12 months. The fee for renewal shall be the same as the application fee for a new mobile food vendor permit.

(e) *Transferability.* A mobile food vendor permit may not be transferred except as part of the sale of a controlling interest in a business holding the permit or a sale of substantially all of the assets of a business holding the permit. The operator of the mobile food service vehicle shall notify the city within ten days of any such sale and shall update any information that has been changed since the submittal of the application for the mobile food vendor permit.

(f) *Temporary permit.* If an operator of a mobile food service vehicle has not previously obtained a mobile food vendor permit and is found to be operating within the city, city staff may authorize the operator to continue operating for not more than two hours, provided that the operations must comply with the location and hours of operation requirements set forth in section 18-184 herein. Thereafter, the operator shall not operate a mobile food service vehicle within the city without first paying the required application fee and obtaining a mobile food vendor permit as required by this section.

Sec. 18-187. - Food truck rally permits.

(a) Applicability/approval. All food truck rallies on public or private property require a food truck rally permit. The permit administrator shall oversee the issuance of food truck rally permits and the enforcement of food truck rally regulations and permit conditions. ~~Approval of the planning commission shall be required for food truck rallies involving more than ten mobile food service vehicles or for events that include a food truck rally and would otherwise require planning commission approval. All other food truck rallies shall be approved by the permit administrator.~~ Issuance of a permit for a food truck rally shall be subject to the approval of:

(1) The planning commission, for any food truck rally that will involve more than ten mobile food service vehicles or is part of an event that would otherwise require planning commission approval.

(2) The park board, for any food truck rally within a city park. For food truck rallies involving more than ten mobile food service vehicles within a city park, the approval of both the park board and the planning commission shall be required.

(3) The permit administrator, for any food truck rally not requiring park board or planning commission approval.

~~(a)~~(b) *Application.*

(1) In order to obtain a food truck rally permit, the entity or organization hosting the food truck rally must complete an application form provided by the city. The application shall include the following information:

- a. Name and address of the owner of the entity or organization hosting the food truck rally.
- b. Name of person in charge of the food truck rally and a telephone number that may be used to contact such person during the food truck rally.
- c. Name and address of the owner of the property on which the food truck rally will be held, along with the property owner's written authorization.
- d. A site plan of the property on which the food truck rally will be held, showing proposed location of each food truck; location of any portable restroom facilities, if applicable; and location of any stages, tents, seating areas and any other facilities, structures or equipment to be used in conjunction with the food truck rally.
- e. Written description of the plans for the food truck rally, including parking locations, traffic control plans and the anticipated hours of operation.
- f. A list of all mobile food service vehicles participating in the food truck rally, along with confirmation that each vehicle operator has obtained or will obtain a mobile food vendor permit from the city.

(2) Submittal of an application for a food truck rally requiring the approval of the planning commission must be accompanied by payment of the required planning commission application fee. Submittal of an application for a food truck rally not requiring planning commission approval must be accompanied by payment of an application fee in the amount of \$50.00.

(3) An application for a food truck rally permit requiring the approval of the planning commission shall be filed with the permit administrator in accordance with the city's schedule for submittal of items to the planning commission. [An application](#)

for a food truck rally permit requiring the approval of the park board shall be filed with the permit administrator at least 30 days prior to the meeting of the park board at which the application is to be considered. An application for a food truck rally permit not requiring planning commission or park board approval shall be filed with the permit administrator at least 30 days prior to the date on which the food truck rally is to be held. At the discretion of the permit administrator, taking into account the feasibility of processing and approving the application, an application may be accepted by the permit administrator less than 30 days prior to a food truck rally.

~~(b)(c)~~ Financial guarantees.

- (1) The ~~permit administrator or the planning commission~~city may establish requirements for the posting of a financial guarantee prior to issuance of a food truck rally permit to ensure that:
 - a. The premises will be cleared of all debris during and after the food truck rally.
 - b. Any damage to the public right-of-way resulting from the food truck rally is repaired.

(2) Financial guarantee requirements may be established by the permit administrator for food truck rallies not requiring the approval of the planning commission or the park board. For food truck rallies requiring the approval of the planning commission or the park board, financial guarantee requirements may be established by the planning commission or the park board, taking into consideration the recommendations of the permit administrator.

~~(2)(3)~~ Any financial guarantee required shall be returned to the applicant only after all costs for removal of debris or repairs to public right-of-way damage have been deducted. In the event the financial guarantee is not sufficient to cover such costs, the entity or organization hosting the food truck rally shall be responsible for paying all remaining costs.

~~(c)(d)~~ Issuance/denial. An application for a food truck rally permit shall be approved if the city determines that the application is complete, that the food truck rally will comply with the standards set forth in this article, and that appropriate measures will be in place to adequately protect the public health, safety and welfare. The decision to approve or deny a food truck rally permit shall be made by the permit administrator for applications not requiring the approval of the planning commission and/or the park board. Upon the approval of a food truck rally permit by the park board and/or planning commission as required herein and the fulfillment of all pre-requisite conditions established by the park board and planning commission, the permit administrator shall issue a food truck rally permit. Except where the approval of the planning commission is required, the permit administrator shall issue a food truck rally permit if the city determines that the application is complete, that the food truck rally will comply with the

~~standards set forth in this article, and that appropriate measures have been taken to protect the public health, safety, and welfare. If the planning commission or the park board deny approval or a food truck rally permit, the permit administrator shall notify the applicant of the denial in writing within 15 days of the denial. Decisions of the planning commission and park board shall be final. If the permit administrator denies the an application for a food truck rally not requiring planning commission or park board approval, such denial shall be in writing and provided to the applicant within 15 days of receipt of the application. The decision of the permit administrator to deny a food truck rally permit may be appealed to the city manager as set forth in this article.~~

~~(d)~~(e) *Conditions of approval.*

1. All food truck rally permits shall be subject to the following conditions:
 - a. All participating mobile food service vehicles must hold a valid mobile food vendor permit.
 - b. All lighting and electrical equipment brought to the site shall be subject to applicable permitting and inspection requirements, including payment of applicable fees.
 - c. All tents, stages and other temporary facilities shall be subject to safety inspections by the city before use.
 - d. The location shall be cleared of all trash and debris at the end of the event and cleared of all temporary structures and restored to its previous condition within 48 hours after the end of the event.
 - e. Traffic control and pedestrian safety in the vicinity of the event shall be the responsibility of the permittee of the event. The city may require that city forces be employed to assist with traffic control and pedestrian safety. Costs anticipated by the city for these services shall be estimated by the city and paid at least ten days in advance by the permittee as a condition of the permit. Following the event, any overpayment shall be refunded to the permittee, and any underpayment shall be billed to the permittee.
- (2) In order to protect the health, safety, and welfare of the general public, to mitigate the potential impacts of the food truck rally, and to ensure compliance with applicable laws and regulations, the city may impose additional conditions and restrictions on the issuance of a food truck rally permit. Such conditions and restrictions may relate to, but are not limited to, hours of operation, layout, parking and security, and insurance requirements.

Sec. 18-188. – Enforcement.

- (a) *Citation.* Each of the following circumstances constitute a violation of this article,

for which a citation may be issued by a codes enforcement officer or police officer of the city:

- (1) Operation of a mobile food service 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) Continuation of temporary mobile food service vehicle operations beyond the time period authorized by staff.
- (3) Holding a food truck rally without a permit or failing to comply with the conditions of approval for a food truck rally permit.
- (4) Failure to comply with any other provision of this article.

(b) *Responsibility for violations.* The city codes enforcement officers 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 article:

- (1) The operator of a mobile food service vehicle.
- (2) An employee working at a mobile food service vehicle.
- (3) The owner of the property on which a mobile food service vehicle is operated.
- (4) The entity or organization hosting a food truck rally, or the person in charge of the food truck rally.

(c) *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 article have occurred within a six-month period in conjunction with the mobile food service vehicle for which the permit has been issued.
- (3) The operator of a mobile food service vehicle fails to maintain a current, valid vehicle registration, health department permit, business license or proof of required motor vehicle insurance coverage.

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

- (1) Four violations of this article have occurred within a 12-month period.

- (2) A mobile food service 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.
- (e) *Reinstatement.*
 - (1) *Suspended permit.* An operator may reinstate a suspended mobile food vendor permit by taking such actions as may be necessary to correct a mobile food service vehicle's noncompliance and paying a reinstatement fee of \$500 to offset the city's cost of enforcement measures, inspections and compliance verifications.
 - (2) *Revoked permit.* An operator whose mobile food vendor permit has been revoked may apply for a new permit after 12 months from the date of revocation, provided the operator has taken such actions as may be necessary to correct a mobile food service vehicle's noncompliance. The operator shall pay a permit reinstatement fee of \$500 to offset the city's cost of enforcement measures, inspections and compliance verifications.
 - (3) No permit will be issued to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding 12 months.
- (f) *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.

Sec. 18-189. – Appeals.

- (a) *Filing.* The denial, suspension or revocation of a mobile food vendor permit or the denial of a food truck rally permit by the permit administrator may be appealed by filing a written notice of appeal, establishing the grounds for the appeal, with the city manager no later than ten business days following receipt of the notice of denial, suspension or revocation. For food truck rallies requiring the approval of the planning commission, the planning commission's decision shall be final.
- (b) *City manager's review.* When an appeal is filed with the city manager as set forth herein, the city manager may request such additional information from the operator and the permit administrator as may be deemed necessary. At the city manager'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 city manager's decision shall be issued in writing, based on a written summation of the pertinent facts, and shall be final. The city manager 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 or food truck rally permit that has been denied. There shall be no refund of a reinstatement fee for a suspended or revoked permit unless the city manager determines on appeal that the permit administrator acted in error in suspending or revoking the permit.

SECTION 2. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

SECTION 3. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 4. That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED:	1st reading	_____	PLANNING COMMISSION	_____
	2nd reading	_____	NOTICE OF PASSAGE	
			Notice published in:	_____
PUBLIC HEARING			Date of publication:	_____
	Notice published in:	<u>Williamson (Tennessean)</u>		
	Date of publication:	_____		
	Date of hearing:	_____	EFFECTIVE DATE	_____

MAYOR Regina Smithson

RECORDER Deborah Hedgepath

Approved as to form:

CITY ATTORNEY Roger A. Horner

Brentwood City Commission Agenda

Meeting Date: 02/27/2017

Ordinance 2017-02 - Amending Zoning Ordinance to Provide for Mobile Food Vending and to Establish Signage Regulations for Mobile Food Vendors

Submitted by: Roger Horner, Legal

Department: Legal

Information

Subject

Ordinance 2017-02 - Amendments to the Zoning Ordinance to provide for mobile food vending as a permitted use and to establish signage regulations for mobile food vendors

Background

Ordinance 2017-02 is a companion ordinance to Ordinance 2017-01, which establishes regulations for mobile food vendor operations. The Brentwood Municipal Code does not currently address mobile food vendors (which includes food trucks and ice cream trucks that sell to the general public, as well as canteen trucks that generally serve a more targeted group, such as workers at a construction site.) Their operations would be allowed in commercial zoning districts that generally allow retail sales (C-2, C-3 and C-4) but retail food sales are not a permitted use in other districts. Ordinance 2017-02 amends various sections of the Zoning Ordinance to specifically provide for mobile food vending as a permitted use. The ordinance as passed on first reading would allow mobile food service vehicles as follows:

- In all commercial zoning districts, subject to the regulations adopted under Ordinance 2017-01.
- In all service-institution zoning districts, but only for special events that have been approved in advance by the City, and subject to the regulations adopted under Ordinance 2017-01. (See below regarding proposed amendments to the ordinance's provisions on mobile food vending in these districts.)
- In all residential zoning districts, but only for events conducted by homeowner or property owner associations or other special events approved by the Planning Commission, and subject to the regulations adopted under Ordinance 2017-01.

Ordinance 2017-02 also adds provisions to the City's sign regulations to reference the signage restrictions for mobile food service vehicles included in Ordinance 2017-01.

Following up on discussions with the Board of Commissioners about mobile food vending operations in service-institution (SI) zoning districts, staff has prepared proposed

amendments to Ordinance 2017-02 for consideration on second reading. A redlined version of the ordinance, showing the proposed amendments, is attached. The amendments address the potential for SI properties (such as churches and schools) to host one or two food trucks on an occasional basis. While the ordinance as passed on first reading addresses food truck rallies involving three or more trucks, it did not include provisions to address vending operations by fewer than three mobile food vendors in SI zones. The amendments also make it clear that mobile food service vehicles providing pre-arranged catering services are permitted.

At its February 6 meeting, the Planning Commission voted unanimously to recommend passage of Ordinance 2017-02. A public hearing on the ordinance was held at the February 13 Board of Commissioners meeting. There were no comments in opposition to the ordinance.

Please contact the City Manager, City Attorney or Planning and Codes Director if you have any questions about Ordinance 2017-01 or Ordinance 2017-02.

Staff Recommendation

Staff recommends passage of Ordinance 2017-02 with the proposed amendments on second reading.

Previous Commission Action

At its January 10, 2017 meeting, the Board of Commissioners voted unanimously to pass Ordinance 2017-02 on first reading.

Fiscal Impact

Attachments

Ordinance 2017-02, as passed on first reading

Ordinance 2017-02 with proposed amendments for second reading

ORDINANCE 2017-02

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY REVISING VARIOUS SECTIONS OF CHAPTER 78 TO PROVIDE FOR MOBILE FOOD VENDING AS A PERMITTED USE AND TO ESTABLISH SIGNAGE REGULATIONS FOR MOBILE FOOD VENDORS

WHEREAS, Ordinance 2017-01 establishes regulations for mobile food vendor operations; and

WHEREAS, the Brentwood Zoning Ordinance, as codified in Chapter 78 of the Brentwood Municipal Code does not specifically provide for mobile food vending as a permitted use; and

WHEREAS, it is appropriate to provide for mobile food vending as a permitted use, subject to the regulations established by Ordinance 2017-01.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1. That sections 78-122, 78-142, 78-162 and 78-182 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall each be amended by adding a new subsection to read as follows:

- (11) Mobile food vending associated with events conducted by homeowner or property owner associations or with other special events approved by the planning commission, provided that mobile food vending operations shall be subject to the regulations established in chapter 18, article VI of this Code. In addition, mobile food service vehicles providing pre-arranged catering services on private property are permitted, provided that no such mobile food service vehicle is open to or serving the general public.

SECTION 2: That section 78-202 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall be amended by renumbering the existing subsections (8) through (10) as subsections (9) through (11) respectively, and by inserting a new subsection (8) to read as follows:

- (8) Mobile food vending, subject to the regulations established in chapter 18, article VI of this Code.

SECTION 3: That section 78-222 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall be amended by renumbering the existing subsections (16) and (17) as subsections (17) and (18) respectively, and by inserting a new subsection (16) to read as follows:

- (16) Mobile food vending, subject to the regulations established in chapter 18, article VI of this Code.

SECTION 4: That section 78-242 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall be amended by renumbering the existing subsections (24) and (25) as subsections (25) and (26) respectively, and by inserting a new subsection (24) to read as follows:

- (24) Mobile food vending, subject to the regulations established in chapter 18, article VI of this Code.

SECTION 5: That section 78-252 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall be amended by renumbering the existing subsections (13) and (14) as subsections (14) and (15) respectively, and by inserting a new subsection (13) to read as follows:

- (13) Mobile food vending, subject to the regulations established in chapter 18, article VI of this Code.

SECTION 6: That sections 78-262, 78-282, 78-302 and 78-322 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall each be amended by adding a new subsection at the end of said sections, the new subsection to read as follows:

- () Mobile food vending for special events that have been approved in advance by the city, subject to the regulations established in chapter 18, article VI of this Code.

SECTION 7. That section 78-419(h) of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

- (h) Portable signs, other than signs associated with mobile food service vehicles, subject to the limitations established in section 18-185(l) of this Code, or sandwich board signs allowed in the C-2, C-3 and C-4 zoning districts.

SECTION 8. That section 78-420(a) of the Code of Ordinances of the City of Brentwood shall be amended by adding a new subsection to read as follows:

- (10) Signs associated with mobile food service vehicles, subject to the limitations established in section 18-185(l) of this Code.

SECTION 9. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

SECTION 10. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 11. That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED:	1st reading	_____	PLANNING COMMISSION	_____
	2nd reading	_____	NOTICE OF PASSAGE	
			Notice published in:	_____
			Date of publication:	_____
PUBLIC HEARING				
	Notice published in:	<u>Williamson (Tennessean)</u>		
	Date of publication:	_____		
	Date of hearing:	_____	EFFECTIVE DATE	_____

MAYOR Regina Smithson

RECORDER Deborah Hedgepath

Approved as to form:

CITY ATTORNEY Roger A. Horner

ORDINANCE 2017-02

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY REVISING VARIOUS SECTIONS OF CHAPTER 78 TO PROVIDE FOR MOBILE FOOD VENDING AS A PERMITTED USE AND TO ESTABLISH SIGNAGE REGULATIONS FOR MOBILE FOOD VENDORS

[With proposed amendments for second/final reading]

WHEREAS, Ordinance 2017-01 establishes regulations for mobile food vendor operations; and

WHEREAS, the Brentwood Zoning Ordinance, as codified in Chapter 78 of the Brentwood Municipal Code does not specifically provide for mobile food vending as a permitted use; and

WHEREAS, it is appropriate to provide for mobile food vending as a permitted use, subject to the regulations established by Ordinance 2017-01.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1. That sections 78-122, 78-142, 78-162 and 78-182 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall each be amended by adding a new subsection to read as follows:

- (11) Mobile food vending associated with events conducted by homeowner or property owner associations or with other special events approved by the planning commission, provided that mobile food vending operations shall be subject to the regulations established in chapter 18, article VI of this Code. In addition, mobile food service vehicles providing pre-arranged catering services on private property are permitted, provided that no such mobile food service vehicle is open to or serving the general public.

SECTION 2: That section 78-202 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall be amended by renumbering the existing subsections (8) through (10) as subsections (9) through (11) respectively, and by inserting a new subsection (8) to read as follows:

- (8) Mobile food vending, subject to the regulations established in chapter 18, article VI of this Code.

SECTION 3: That section 78-222 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall be amended by renumbering the existing subsections (16) and (17) as subsections (17) and (18) respectively, and by inserting a new subsection (16) to read as follows:

- (16) Mobile food vending, subject to the regulations established in chapter 18, article VI of this Code.

SECTION 4: That section 78-242 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall be amended by renumbering the existing subsections (24) and (25) as subsections (25) and (26) respectively, and by inserting a new subsection (24) to read as follows:

- (24) Mobile food vending, subject to the regulations established in chapter 18, article VI of this Code.

SECTION 5: That section 78-252 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall be amended by renumbering the existing subsections (13) and (14) as subsections (14) and (15) respectively, and by inserting a new subsection (13) to read as follows:

- (13) Mobile food vending, subject to the regulations established in chapter 18, article VI of this Code.

SECTION 6: That sections 78-262, 78-282, 78-302 and 78-322 of Chapter 78 of the Code of Ordinances of the City of Brentwood shall each be amended by adding a new subsection at the end of said sections, the new subsection to read as follows:

- () Mobile food vending, subject to the regulations established in chapter 18, article VI of this Code, and limited to the following circumstances:
 - a. ~~for Mobile food service vehicles may operate at food truck rallies or other~~ special events that have been approved in advance by the city, ~~subject to the regulations established in chapter 18, article VI of this Code.~~
 - b. At the invitation of the property owner or tenant, up to two mobile service vehicles may operate on an occasional basis, not to exceed one day per week, and for no more than four hours per day on any property within the district.
 - c. Mobile food service vehicles providing pre-arranged catering services are permitted, provided that no such mobile food service vehicle is open to or serving the general public.

SECTION 7. That section 78-419(h) of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

- (h) Portable signs, other than signs associated with mobile food service vehicles, subject to the limitations established in section 18-185(l) of this Code, or sandwich board signs allowed in the C-2, C-3 and C-4 zoning districts.

SECTION 8. That section 78-420(a) of the Code of Ordinances of the City of Brentwood shall be amended by adding a new subsection to read as follows:

- (10) Signs associated with mobile food service vehicles, subject to the limitations established in section 18-185(l) of this Code.

SECTION 9. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

SECTION 10. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 11. That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED:	1st reading	_____	PLANNING COMMISSION	_____
	2nd reading	_____	NOTICE OF PASSAGE	
			Notice published in:	_____
			Date of publication:	_____
PUBLIC HEARING				
	Notice published in:	<u>Williamson (Tennessean)</u>		
	Date of publication:	_____		
	Date of hearing:	_____	EFFECTIVE DATE	_____

MAYOR Regina Smithson

RECORDER Deborah Hedgepath

Approved as to form:

CITY ATTORNEY Roger A. Horner

Other Business

Brentwood City Commission Agenda

Meeting Date: 02/27/2017

Notice of Future Appointment of Three (3) Members to the Park Board (for information only)

Submitted by: Debbie Hedgepath, Administration

Department: City Recorder

Information

Subject

Notice of Future Appointment of Three (3) Members to the Park Board (for information only)

Background

At the April 10, 2017 meeting, the Board of Commissioners will appoint three (3) members to the Park Board. The appointees will serve three (3) year terms expiring April 30, 2020. The three positions on the Board are currently held by Preston Bain, Lenda Elmlinger and David Olmstead. Applicants must be residents of the City of Brentwood.

Applications must be submitted by March 17, 2017 to the Community Relations Director at the Brentwood Municipal Center, 5211 Maryland Way or by mail to P. O. Box 788, Brentwood, TN 37024-0788.

Interested persons may complete the application online at the City's website:

www.brentwoodtn.gov.

Notice of the upcoming appointments and process/deadlines for applications will be published in the Tennessean Williamson and posted on the City's web page and on the Brentwood City Government Cable Channel (Channel 19 on Comcast).

Staff Recommendation

n/a

Fiscal Impact

Attachments

No file(s) attached.
