

ORDINANCE 2023-3

ORDINANCE OF THE GOVERNING BODY OF BAXTER, TENNESSEE AMENDING ORDINANCE 2021-9, MOBILE FOOD UNIT POLICY AND APPLICATIONS SECTIONS OF THE BAXTER MUNICIPAL CODE

WHEREAS, the Board of Mayor and Councilmen of Baxter, Tennessee wishes to amend Ordinance 2021-9, Mobile Food Units Policy And Applications sections in the Baxter Municipal Code.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND
COUNCILMEN OF THE CITY OF BAXTER, TENNESSEE, AS FOLLOWS:**

Section 1. Title 21, Chapter 1, Section 21-101; Policy for Mobile Food Units shall be amended by deleting the following:

Mobile Food Units in Parks and on City Properties

I. *The intent of this policy is to provide rules and regulations for the operation of Mobile Food Units (MFU) in designated City of Baxter Parks and parking lots. This policy supports Section 21 Mobile Food Units of the City of Baxter Municipal Code, adopted October 7, 2021.*

II. *It will be the policy of the City of Baxter to allow MFUs to vend in designated areas of certain city parks and/or Recreation areas, during Special Events in accordance with City Code, Section 21 Mobile Food Units and in accordance with these rules.*

III. *Approved Parks and Maximum Numbers. MFUs may operate at approved locations during special events. The maximum number of MFUs allowed to operate at one time at an approved park or parking lot is dependent upon the event and approval of the City Recorder. The City Recorder may also allow MFUs to operate in other City parks for a one-time, special event at his/her discretion.*

IV. *Availability. Spaces in the Designated Operation Area are available to all Vendors with a MFU permit as space is available. Permits shall be issued as according to City Municipal Code Section 21, Mobile Food Units*

V. *Hours of Operation. MFUs are limited to vending in parks or City parking lots between the hours of 7:00am and 9:00pm, unless the park closes earlier, then vending shall cease 30 minutes prior to close. These hours may be altered on a limited basis by the Board of Mayor and Councilman for special events and/or special occasions.*

VI. *Designated Areas. MFUs shall operate only within the designated area at approved parks and City parking lots as designated by the permit issued from the City Recorder's Office for special events only. MFUs and Vendors must remain within the designated area and are prohibited from using a pushcart or circulating throughout the*

premises of any designated park. MFUs shall not provide or allow any dining area, including but not limited to tables, chairs, booths, tools, benches, tents, and standup counters, other than counters attached to the MFU.

VII. *Signage.* A Unit is limited to signs mounted to the exterior of the MFU. No free-standing signs are permitted. All signs mounted on the Unit shall be secured and mounted flat against the Unit and shall not project more than six inches (6") from the exterior of the Unit.

VIII. *Waste Collection and Disposal.* Vendors shall supply, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff of the Unit. The Vendor shall keep the area around the Unit clear of litter and debris at all times. All trash and debris generated by customers and staff shall be collected by the Vendor and deposited in Vendor's trash or recycling container and removed from the site by the Vendor. The Vendor shall contain onboard at all times any waste liquids generated by its operations (oil, ice, wash water, etc.).

IX. *Electric.* Electrical service is limited to an onboard generator. Any power required for MFU shall be self-contained and MFUs may not use utilities drawn from the park or parking lots.

X. *Removal of Equipment.* MFUs and all associated equipment must be removed from the park and/or parking lot at the end of each day. The Unit and any equipment are not permitted in the park or parking lot overnight at any time, except when associated with a multiple day Special Event.

XI. *Special Events.* Times and dates of operation may be affected by special events at the designated Park and/or parking lot. Vendors hours and dates may be affected during a City-authorized street fair, public festival, or similar special events held in parks. Vendors shall only operate within the boundaries of a Special Event unless the Vendor has written permission from the event sponsor, coordinator or operator and Vendor must comply with all rules and regulations of the Special Event.

XII. *Indemnification.* The owner and operator of any Mobile Food Unit operating in or on a city park or city parking lot shall defend, indemnify and hold harmless the City of Baxter and all its departments and employees from and against any and all claims, liabilities, loss, damages, cost and expenses, including reasonable attorney fees, court costs and other expenses of litigation or administrative proceedings, for personal injury, damage to real or tangible property arising out of the operator's use of the City's property for operation of a Mobile Food Unit. The operator of a Mobile Food Unit operating in or on a city park or parking lot shall provide proof of liability insurance coverage naming the City of Baxter as additional named insured with a minimum of \$1,000,000 in liability coverage. The City Recorder must be notified within three (3) business days if the liability coverage naming the City of Baxter as an additional named insured is cancelled or terminated.

XIII. *Festivals by Friends of the Depot.* Any Mobile Food Unit wishing to set up for a festival sponsored by the Friends of the Depot will receive their permission/permit

from the Friends of the Depot organization. The rules/ guidelines outlined by the Friends of the Depot will be followed by Mobile Food Units.

And replacing with the following:

Mobile Food Units in Parks and on City Properties

I. The intent of this policy is to provide rules and regulations for the operation of Mobile Food Units (MFU) in designated City of Baxter Parks and parking lots. This policy supports Section 21 Mobile Food Units of the City of Baxter Municipal Code, adopted October 7, 2021.

II. It will be the policy of the City of Baxter to allow MFUs to vend in designated areas of certain city parks and/or Recreation areas, during Special Events in accordance with City Code, Section 21 Mobile Food Units and in accordance with these rules.

III. Approved Parks and Maximum Numbers. MFUs may operate at approved locations during special events. The maximum number of MFUs allowed to operate at one time in the city is limited to two except during city festivals. Also, businesses may only have two pop up events a month with a mobile food vendor.

IV. Hours of Operation. MFUs are limited to vending in parks or City parking lots between the hours of 7:00am and 9:00pm, unless the park closes earlier, then vending shall cease 30 minutes prior to close. These hours may be altered on a limited basis by the Board of Mayor and Councilman for special events and/or special occasions.

V. Designated Areas. MFUs shall operate only within the designated area at approved parks and City parking lots as designated by the permit issued from the City Recorder's Office for special events only. MFUs and Vendors must remain within the designated area and are prohibited from using a pushcart or circulating throughout the premises of any designated park. MFUs shall not provide or allow any dining area, including but not limited to tables, chairs, booths, tools, benches, tents, and standup counters, other than counters attached to the MFU.

VI. Signage. A Unit is limited to signs mounted to the exterior of the MFU. No free-standing signs are permitted. All signs mounted on the Unit shall be secured and mounted flat against the Unit and shall not project more than six inches (6") from the exterior of the Unit.

VII. Waste Collection and Disposal. Vendors shall supply, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff of the Unit. The Vendor shall keep the area around the Unit clear of litter and debris at all times. All trash and debris generated by customers and staff shall be collected by the Vendor and deposited in Vendor's trash or recycling container and removed from the site by the Vendor. The Vendor shall contain onboard at all times any waste liquids generated by its operations (oil, ice, wash water, etc.).

VIII. Electric. Electrical service is limited to an onboard generator. Any power required for MFU shall be self-contained and MFUs may not use utilities drawn from the park or parking lots.

IX. Removal of Equipment. MFUs and all associated equipment must be removed from the park and/or parking lot at the end of each day. The Unit and any equipment are not permitted in the park or parking lot overnight at any time, except when associated with a multiple day Special Event.

X. Special Events. Times and dates of operation may be affected by special events at the designated Park and/or parking lot. Vendors hours and dates may be affected during a City-authorized street fair, public festival, or similar special events held in parks. Vendors shall only operate within the boundaries of a Special Event unless the Vendor has written permission from the event sponsor, coordinator or operator and Vendor must comply with all rules and regulations of the Special Event.

XI. Indemnification. The owner and operator of any Mobile Food Unit operating in or on a city park or city parking lot shall defend, indemnify and hold harmless the City of Baxter and all its departments and employees from and against any and all claims, liabilities, loss, damages, cost and expenses, including reasonable attorney fees, court costs and other expenses of litigation or administrative proceedings, for personal injury, damage to real or tangible property arising out of the operator's use of the City's property for operation of a Mobile Food Unit. The operator of a Mobile Food Unit operating in or on a city park or parking lot shall provide proof of liability insurance coverage naming the City of Baxter as additional named insured with a minimum of \$1,000,000 in liability coverage. The City Recorder must be notified within three (3) business days if the liability coverage naming the City of Baxter as an additional named insured is cancelled or terminated.

XII. Festivals by Friends of the Depot. Any Mobile Food Unit wishing to set up for a festival sponsored by the Friends of the Depot will receive their permission/ permit from the Friends of the Depot organization. The rules/ guidelines outlined by the Friends of the Depot will be followed by Mobile Food Units.

Section 2: Title 21, Chapter 1 Section 21-103; Applications For Mobile Food Units

Amended by deleting the following:

"The City of Baxter's City Recorder issues Mobile Food Vendor's permits per the City of Baxter's Municipal Code Title 21, Mobile Food Units. The requirements are:

- \$100 (One day permit)*
- Copy of Applicant's Driver's License*

- *Copy of Tennessee Certificate of Registration (Sales Tax)*
- *Copy of Current Tennessee State Business License*
- *Copy of Photo of MFU*
- *Copy of Registration of MFU (Vehicle and/or Trailer)*
- *Copy of Valid Vehicle Certificate of Liability Insurance*
- *Copy of Current Health Inspection (If Required)*
- *Inspection of MFU and Approval by Codes Department*
- *Copy of Written Spill Response Plan Approved by Public Works Department*

Guidelines for Spill Plan will be provided by City Recorder.

If Operating on City of Baxter Property, Copy of Proof of Liability Insurance Coverage (minimum \$1,000,000) naming the City of Baxter as Additionally Insured (Specific Language Required)

Mobile Food Vendor Policy Requirements for Approved Designated Public Locations (PDF)

The completed Mobile Food Vendor Application and all the additional requirements must be returned to the City of Baxter and approved by the City Recorder before a permit is issued. If you have any unanswered questions, please call our office 931-858-4111 ext. 1.

Please be advised, upon receipt of all required information and documentation, the processing of your application, including approval of the Spill Plan and scheduling an inspection with the Codes Department, can take several days.

Appendix A, Mobile Food Vendors Application for Permit is attached.

And adding the following:

"The City of Baxter's City Recorder issues Mobile Food Vendor's permits per the City of Baxter's Municipal Code Title 21, Mobile Food Units. The requirements are:

- *\$25 (One day permit)*
- *Copy of Applicant's Driver's License*
- *Copy of Tennessee Certificate of Registration (Sales Tax)*
- *Copy of Current Tennessee State Business License*
- *Copy of Photo of MFU*
- *Copy of Registration of MFU (Vehicle and/or Trailer)*
- *Copy of Valid Vehicle Certificate of Liability Insurance*
- *Copy of Current Health Inspection (If Required)*
- *Inspection of MFU and Approval by Codes Department*
- *Copy of Written Spill Response Plan Approved by Public Works Department*

Guidelines for Spill Plan will be provided by the Codes Inspector.

If Operating on City of Baxter Property, Copy of Proof of Liability Insurance Coverage (minimum \$1,000,000) naming the City of Baxter as Additionally Insured (Specific Language Required)

Mobile Food Vendor Policy Requirements for Approved Designated Public Locations (PDF)

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Please be advised, upon receipt of all required information and documentation, the processing of your application, including approval of the Spill Plan and scheduling an inspection with the Codes Department, can take several days.

Appendix A, Mobile Food Vendors Application for Permit is attached.

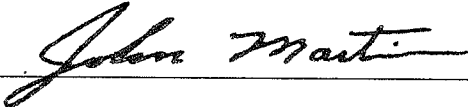
If any Mobile Food Vendor is located in the city without the permit and required paperwork, there will be a \$500.00 fine. The Mobile Food Vendor will not be allowed to set up in the City again until the fine is paid. The fine will apply for each occurrence the vendor does not obtain the permit or other items required.

Section 4. This ordinance shall be in full force and effect from and after its date of passage by the Board of Mayor and Councilmen.

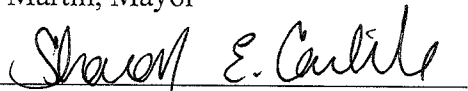
Section 5. All ordinance and resolutions, or parts thereof, in conflict with this Ordinance, are repealed.

Passed First Reading: 7-6-23

Passed Second Reading: 7-18-23



John Martin, Mayor



Attest: Sharon E Carlile, City Recorder

City of Baxter, TN

Application for Mobile Food Vendor (MFV)

| | |
|--|---|
| Applicant Name _____ | Entity Name _____ |
| Applicant Date of Birth _____ | Entity Address _____ |
| Applicant Social Security # _____ | _____ |
| Applicant Home Address _____ | Business Name (DBA) _____ |
| _____ | Business Address _____ |
| Applicant Local Address (if different from Home) _____ | _____ |
| _____ | Business Phone # _____ |
| Applicant Phone # _____ | Business Cell # _____ |
| Applicant Cell # _____ | Tennessee Sales Tax # _____ |
| Applicant E-mail Address _____ | Nature of Business and goods to be sold _____ |
| Applicant Driver's License # _____ | _____ |

| | |
|------------------------------|-------------------------|
| MFU Description | Length of Permit |
| Make _____ | _____ One day \$25 |
| Model _____ | Start Date _____ |
| Length _____ | End Date _____ |
| License Plate # _____ | |
| County of Registration _____ | |
| Description / Color _____ | |
| (Copy of photo required) | |

Applicant hereby solemnly swears that each and every statement in the above application is true and correct and agrees that, if any statement therein is false, it will be grounds to deny issuance of the permit or a permit issued may be revoked. I have read and agree to abide by the City of Baxter Municipal Code _____, and the current City of Baxter Policy Manual on Mobile Food Units in Parks and on City Properties. After a permit has been issued, if the applicant or assistants are convicted of a felony, or for violating any municipal ordinance, they are subject to a fine and suspension of their permit pending the revocation hearing.

This _____ day of _____, 20_____.

Applicant Signature

City of Baxter, TN

Application for Mobile Food Vendor (MFV)

CITY RECORDER OFFICE USE ONLY

Permit Fee Paid \$_____ Cash _____ Check # _____ Debit _____

- _____ **Copy of Applicant's Driver's License**
- _____ **Copy of Tennessee Certificate of Registration (Sales Tax)**
- _____ **Copy of Current Tennessee State Business License**
- _____ **Copy of Photo of MFU**
- _____ **Copy of Registration for MFU (Vehicle and/or Trailer)**
- _____ **Copy of Valid Vehicle Certificate of Liability Insurance**
- _____ **Copy of Current Health Department Inspection (If Required)**
- _____ **Copy of Written Spill Response Plan Approved by Public Works Department**
- _____ **If Operating on City of Baxter Property, Copy of Certificate of Liability Insurance Coverage, (minimum \$1,000,000) naming City of Baxter as Additionally Insured using the following language:**

CITY OF BAXTER IS AN ADDITIONAL NAMED INSURED WITH ALL OF THE RIGHTS TO A DEFENSE OF ANY CLAIM & FULL COVERAGE FOR LIABILITY UP TO THE POLICY LIMITS OF COVERAGE FOR THE COVERAGES SET FORTH IN THE POLICY FOR ANY OCCURRENCE OR EVENT THAT OCCURS ON CITY OF BAXTER PROPERTY. THE CITY OF BAXTER RETAINS ALL RIGHTS, PRIVILEGES & IMMUNITIES AFFORDED TO THEM PURSUANT TO THE TENNESSEE GOVERNMENTAL TORT LIABILITY ACT. ALL SUBROGATION RIGHTS AGAINST THE CITY OF BAXTER ARE WAIVED.

- _____ **Codes Dept Inspection Approval**

Permit Approved by: _____ City Recorder _____