

**ORDINANCE NUMBER: 202005**

**AN ORDINANCE TO AMEND TITLE 9 OF THE CITY OF LEXINGTON MUNICIPAL CODE RELATIVE TO MOBILE FOOD PREPARATION VEHICLES**

WHEREAS, the Board of Mayor and Aldermen of the City of Lexington desires to amend and update the following sections of the City of Lexington Municipal Code; and

WHEREAS, the Board of Mayor and Aldermen of the City of Lexington desires to allow mobile food preparation vehicles to operate in certain areas;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF LEXINGTON, TENNESSEE, that Title 9 of the City of Lexington Municipal Code is amended by repealing Title 9, Chapter 1 Section 102 in its entirety and furthermore by establishing Title 9, Chapter 9:

**SECTION 1:** The following section of the City of Lexington Municipal Code shall, in its entirety, be repealed:

1. Chapter 1, Section 9-102. **Purchases and sales of food or produce from temporary enclosures prohibited.** It shall be unlawful for any person or persons to operate or cause to be operated in the City of Lexington, any retail or wholesale business engaged in the purchase and/or sale of food or produce, either for human or animal consumption, from any temporary, movable or mobile enclosure.

**SECTION 2:** Title 9, Chapter 9 of the Lexington Municipal Code is hereby established as follows:

**CHAPTER 9**

**MOBILE FOOD PREPARATION VEHICLES**

**SECTION**

- 9-701. Purpose.
- 9-702. Definitions.
- 9-703. Mobile food preparation vehicles.
- 9-704. Operational requirements.
- 9-705. Food handler requirements.
- 9-706. Equipment standards.
- 9-707. Maintenance of premises.
- 9-708. Vehicle sanitation requirements.
- 9-709. Placement and operation restrictions.

**9-701. Purpose.** The purpose of this chapter is to regulate where and when mobile food preparation vehicles can operate within the City of Lexington.

**9-702. Definitions.** As used in this chapter the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise.

(1) "Commissary" - means any State of Tennessee licensed stationary food establishment that serves mobile food dispensers, mobile food facilities, vending machines or other food dispensing operations where

- (a) Food, containers or supplies are stored;
- (b) Food is prepared or prepackaged for sale or service at other locations;
- (c) Utensils are cleaned; or
- (d) Liquid and solid wastes are disposed of or potable water is obtained.

(2) "Mobile food preparation vehicle" - A mobile food preparation vehicle is any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed or stored and used to sell and dispense food to the ultimate consumer. Mobile units must be mobile at all times during operation. The

unit must be on wheels (excluding boats) at all times. Any mobile food unit that removes such wheels or becomes stationary must meet Tennessee Department of Health Rules 1200-23-1 et. seq. in their entirety. This definition does not include pushcarts as regulated by city codes and prohibited from selling potentially hazardous foods by the Tennessee Department of Health, nor vehicles from which only ice cream and other frozen non-hazardous food products are sold, nor vehicles operating under a special event permit.

(3) "Menu change" - means a modification of a food establishment's menu that requires a change in the food establishment's food preparation equipment, storage equipment or storage capacity previously approved by the health department. The term "menu change" shall include, but is not limited to, the addition of potentially hazardous food to a menu, installation of new food preparation or storage equipment, or increasing storage capacity.

(4) "Restaurants" - Any public place at a fixed location kept, used, maintained, advertised and held out to the public as a place where food and drink are prepared and served to the public for consumption on or off the premises pursuant to the required licenses. Such establishments include, but are not limited to, restaurants, bars, lounges, coffee shops, cafeterias, dining rooms, eating houses, short order cafes, luncheonettes, grills, tearooms and sandwich shops.

(5) "Servicing area" - A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies.

(6) "Food Truck Court" - an area approved by the Board of Mayor and Aldermen of the City of Lexington for the specific operation of mobile food preparation vehicles in gatherings of more than three (3) food preparation vehicles in one location.

**9-703. Mobile food preparation vehicles.** Mobile food preparation vehicles shall meet all applicable requirements of this article in addition to the requirements outlined as follows:

(1) No person shall engage in the business of a mobile food preparation vehicle within the municipal limits without first having obtained a permit required by § 9-201 of the city's municipal code and the State of Tennessee.

(2) A mobile food preparation vehicle license, as authorized by the State of the Tennessee and local ordinances, will not be issued to a person unless the following conditions are met:

(a) No person shall engage in the business of a mobile food preparation vehicle without first having obtained a commissary license or having a written commissary agreement, if required by the Henderson County Health Department.

(b) Each mobile food preparation vehicle must display its business license number, business name and state and local permit numbers, with letters and numbers at least three inches (3") in height, in a prominent and visible location on the vehicle.

(c) The driver of the truck must have a valid driver's license, current auto insurance (including liability insurance) and current vehicle registration as required by Tennessee law and enforced by law enforcement authorities.

(d) The vehicle can only operate in locations zoned as commercial or industrial. No permit will be issued to any vehicle wishing to operate in an area zoned residential.

(e) All current permits must be posted in a conspicuous manner, in compliance with Tennessee Code Annotated, § 68-14-715.

**9-704. Operational requirements.** (1) Mobile food preparation vehicles may not park on public streets, sidewalks, lots, or other public rights-of-way unless otherwise stated by the board of mayor and aldermen.

(2) Mobile food preparation vehicles may only park on private property in locations zoned commercial or industrial with the permission of the property owner, a mobile food preparation vehicle may operate at the times and for the duration provided in its permission by the property owner.

(3) No mobile food preparation vehicle shall be equipped with any external electronic sound-amplifying device.

(4) No detached signs are permitted. All signs used must be permanently affixed to, or painted on, the mobile food preparation vehicle and shall extend no more than six inches (6") from the vehicle. No sign shall flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; be animated or produce any rotation, motion or movement. A sign on which the message is changed electronically not more than one (1) time per eight (8) seconds shall not be considered to be an animated sign or a sign with movement, but is classified as a changeable copy sign. Changeable copy signs shall be permitted, but the total area of such signs on the vehicle, when parked and the vehicle is set up to operate, must not exceed thirty (30) square feet. The change of message rate on digital signs shall be limited to no more than once every eight (8) seconds.

(5) Vendor must provide for the sanitary collection of all refuse, litter and garbage generated by the patrons using that service and remove all such waste materials from the location before the vehicle departs. This includes physically inspecting the general area for such items prior to the vehicle's departure.

(6) Prices of food shall be prominently displayed.

**9-705. Food handler requirements.** All food handlers shall meet the standards as set forth in Tennessee Department of Health Rule 1200-23-01-.02.

**9-706. Equipment standards.** All mobile food preparation vehicles shall meet the standards as set forth in Tennessee Department of Health Rules and Regulations.

**9-707. Maintenance of premises.** All mobile food preparation vehicles shall meet the standards as set forth in Tennessee Department of Health Rule 1200-23-01-.06.

**9-708. Vehicle sanitation requirements.** (1) Each vehicle shall be constructed so that the portions of the vehicle containing food shall be covered so that no dust or dirt will settle on the food; and such portions of the vehicles which are designed to contain food shall be at least eighteen inches (18") above the surface of the public way while the vehicle is being used for the conveyance of food.

(2) The food storage areas of each vehicle shall be kept free from rats, mice, flies and other insects and vermin. No living animals, birds, fowl, reptiles or amphibians shall be permitted in any area where food is stored.

(3) Hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the vehicle.

(4) The vehicle shall be enclosed with tops and sides.

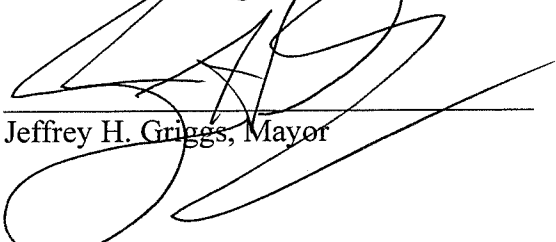
(5) The vehicle shall not be used for any purpose other than for the purpose described in this chapter.

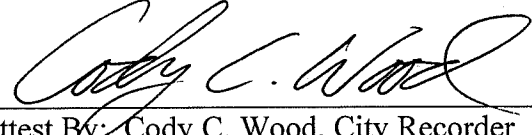
**9-709. Placement and operation restrictions.** Mobile food preparation vehicles are only allowed to operate on (1) sites and city streets as deemed appropriate by the board of mayor and aldermen during special events; (2) on private property in locations zoned commercial or industrial with written authorization from the property owner; and (3) designated food truck courts.

**SECTION 3:** Date of Effect. This ordinance shall take effect upon passage of its second and final reading, the public welfare requiring it.

Passed 1<sup>st</sup> Reading: January 7, 2020

Passed 2<sup>nd</sup> Reading: June 23, 2020

  
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Jeffrey H. Griggs, Mayor

  
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Attest By: Cody C. Wood, City Recorder