

ORDINANCE NO. 26-02

AN ORDINANCE TO AMEND TITLE 9, BY ADDING CHAPTER 4 TO THE CITY OF ORLINDA, CODE OF ORDINANCES, SO AS TO ALLOW SELF-CONTAINED MOBILE FOOD VEHICLES TO OPERATE IN THE CITY OF ORLINDA.

WHEREAS, cities and towns across the country have enjoyed the popularity of street food and the popularity has increased over the past few years; and

WHEREAS, citizens in this community have expressed an interest in the opportunity to establish a mobile food operation venture while others have expressed the desire to have these additional food and location choices; and

WHEREAS, the Board of Mayor and Commissioners deem it in the best interest of the citizens of Orlinda that such mobile food operations be located regulated as a matter of health and public safety, and for the general welfare of the people.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF ORLINDA, that the following be added as title 9, chapter 4 in the municipal code of ordinances:

9-401. Definitions.

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. *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.

3. *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 at all times. Any mobile food unit that removes such wheels or becomes stationary must meet Tennessee Department of Health Regulations 1200-23-1, et. seq in their entirety.
4. *Mobile food vendor.* A mobile food vendor is defined as any person selling food and/or drink from a temporary structure, vehicle, equipment or location, including a canteen truck, food truck, food trailer, ice cream truck, or a non-motorized vehicle from which such products are sold.
5. *Ice Cream Trucks* are vehicles from which the operator vends only pre-packaged frozen dairy or frozen water-based food products, soft serve, or hand-dipped frozen dairy products or frozen water-based food products, and both pre-packaged created beverages.
6. *Location* means any single property parcel and all other parcels that are contiguous or cumulatively contiguous to that owned or controlled by a single or affiliated entities.
7. *Servicing area.* A mobile food unit servicing area shall be provided and shall include at least overhead protection from 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.
8. *Mobile Food Service Permit* means a permit issued by the City for the operation of Food Trucks within the city limits, including special events, City co-sponsored events, or other City approved function.
9. *Operate* means to promote or sell food, beverages, and other permitted items from the mobile food service vehicle.
10. *Operator* means any person owning, operating, or permitted to operate a mobile food service vehicle and collectively refers to all such persons.

9-402. Permit fee.

1. *Applicable.* No mobile food service vehicle may operate within the city limits without a mobile food service permit issued by the city. A mobile food service permit authorizes the holder to engage only in the vending of products from a mobile food service vehicle in compliance with City Codes and as specified on the permit. The mobile food service permit must be prominently displayed when the mobile food service vehicle is in operation.

2. *Application.* Owners of mobile food vehicles shall pay an application fee of twenty-five dollars (\$25.00) per year and apply for either an annual mobile food service permit or a one day mobile service permit. The annual permit fee shall be one hundred twenty-five dollars (\$125.00) and the one day permit shall be fifty dollars (\$50.00). Registered businesses within the City of Orlinda may pay the full application fee and half the permit fee. In instances where the activity is being conducted in conjunction with an official City of Orlinda event, the daily fee may be reduced to a permit fee of thirty dollars (\$30.00) per mobile food vehicle plus the vendor fee. Application may be made by payment of the application fee and the following:
 - (a) Complete an application form provided by the City Clerk, which shall include the following information:
 - (i) Name and address of the owner of the vehicle;
 - (ii) Name and address of the operator of the vehicle;
 - (iii) A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the mobile food service vehicle;
 - (iv) A copy of the state or county health department license or permit applicable to mobile food providers; and
 - (v) A certificate of insurance coverage.
 - (b) Permittee has an on-going duty to provide the city with notice of any change to any of the information required by the city to obtain a mobile food service permit.
3. *Issuance.* A mobile food service permit shall be issued upon full completion and review of the application required by this section except that no mobile food service permit will be issued to an operator, or any person affiliated with the operator, for purposes of operating a mobile food vehicle that is the subject of a suspended mobile food service permit or has had a mobile food service permit revoked within the prior twelve (12) months.
4. *Expiration.* Annual mobile food service permits expire at the end of the calendar year during which the permit was issued. A new application with supporting documentation is required for renewal and issuance of a permit for the following calendar year. One-day mobile food service permits expire at 11:59 p.m. on the authorized date.
5. *Transferability.* A mobile food service permit may not be transferred.

9-403. Mobile food vehicles. Mobile food vehicles shall meet all applicable requirements of this chapter in addition to the requirements outlined as follows:

1. No person shall engage in the business of a mobile food vehicle within the municipal limits without first having obtained a the required permits from the City of Orlinda and the State of Tennessee.
2. A mobile food vehicle license, as authorized by the State of Tennessee and local ordinances, will not be issued to a person unless the following conditions are met:

(a) The vehicle must be specially designed as defined as a mobile food vehicle and be approved by the health department.

(b) No person shall engage in the business of a mobile food vehicle without first having obtained a commissary license or having a written commissary agreement, if required by the health department.

(c) Each mobile food vehicle must display its 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.

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

(e) The vehicle can only operate in locations where the operation of motorized vehicles are permitted under local zoning ordinances and enforced by local code enforcement authorities.

(f) All current permits must be posted in a conspicuous manner, in compliance with Tennessee Code Annotated, § 68-14-305.

9-404. Operational requirements.

1. When parked on private property with permission of the property owner, a mobile food vehicle may operate at the times and for the duration provided in its permission by the property owner but shall be removed from site to be sanitized. Food trucks may operate no more than two (2) days per calendar week at any location on private or city owned property.
2. All food trucks shall be located a minimum of two hundred (200 feet) from any eating establishment and one hundred (100) feet from any retail store that sells food unless both the property owner(s) and leaseholder(s) of said eating establishment/retail store grant written permission.
3. No mobile food vehicle shall be equipped with any external electronic sound-amplifying device.
4. Cooking shall not be conducted while the vehicle is in motion.
5. Mobile food vehicle shall be parked only at its commissary or other location approved by the health department that does not violate an applicable municipal ordinance.

6. Hours of operation may be 7:00 am to 8:00 pm Sunday through Saturday. Hours extending before or after the listed hours of operation shall be granted by special request only.
7. 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; be animated; or produce any rotation or motion. 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.
8. 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 daily.

9-405. Food handler requirements. All food handlers shall meet the standards as set forth in Tennessee Code Annotated, § 53-8-108, Tennessee Department of Health Rules and Regulations.

9-406. Equipment standards. All mobile food vehicles shall meet the standards as set forth in Tennessee Department of Health Rules and Regulations.

9-407. Maintenance of premises. All mobile food vehicles shall meet the standards as set forth in Tennessee Code Annotated, § 53-8-102 and Tennessee Code Annotated, § 53-8-103, Tennessee Department of Health Rules and Regulations.

9-408. 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 the vehicle are 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 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 be stored in the food area of the vehicle.
4. The vehicle shall be enclosed with a top, bottom and sides.

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

9-409. Zoning Districts. Mobile food vehicles are allowed to operate on sites within the C-1 (Central Business District) and C-2 (General Commercial District). Under special circumstances, such as City officially recognized events and sporting events at the City Park, R-1 (Low-Density Residential District) and R-2 (Medium-Density Residential) zoning districts may be considered for permitting under the regulations of this ordinance.

9-410. Enforcement.

1. Enforcing Authority. The City of Orlinda Codes Department shall have authority to investigate and address violations of the regulations set forth in Title 9, Chapter 4.

2. Violations. If an Operator is found to be in violation of any part including the failure to obtain a permit, the violation will be enforced by warning or citation.

- (a) Warnings. The enforcing authority may issue one (1) warning to any Operator for violation of this section except in the case of an Operator's failure to obtain a permit.

- (b) Citation. The enforcing authority will issue citations to any Operator as notice of the violation and a scheduled time to appear to answer the violation.

3. Penalties. An Operator cited for a violation is subject to the penalties set forth below:

- (a) Failure to Obtain a Permit. Any Mobile Food Unit/Vehicle failing to obtain a permit is in violation of this section and is subject to pay double the current permit fee on the first offense. On second and subsequent offenses, the operator may pay an increased fee or be disallowed from operating within the City.

- (b) Suspension. A Mobile Food Unit/Vehicle Permit shall be suspended upon the issuance of a citation and pending the disposition of violation proceedings and the satisfactory completion of any requirements to become compliant with all regulations.

- (c) Revocation. The City shall revoke a Mobile Food Unit/Vehicle Permit after two suspensions within a twelve (12) month period or if the Operator fails to show satisfactory compliance within ninety (90) days after being cited for a violation.

- (d) Fees. The Operator will pay a fee of \$250 to offset the City's costs of compliance measures, inspections, and correction of any circumstance resulting from Operator's failure to comply with the provisions of Title 9, Chapter 4.

4. Reinstatement

- (a) Suspension. An Operator may apply for reinstatement of a suspended Mobile Food Unit/Vehicle Permit after the payment of the fee and the completion of necessary inspections, and the correction of any circumstance that lead to the suspension.
- (b) Revocation. The City may allow an Operator to reapply for a Mobile Food Unit/Vehicle Permit after three (3) months from the date of revocation. The Operator must show that all circumstances that lead to the violations have been corrected, and the Operator must pay the fee of \$250 to offset the City's costs of compliance measures, completion of necessary inspections, and the correction of any circumstance that lead to the suspension.
- (c) Notice. Upon denial, suspension or revocation of a Mobile Food Unit/Vehicle Permit, the City shall give notice to the Operator in writing. There shall be no refund of any other fee paid to the City.

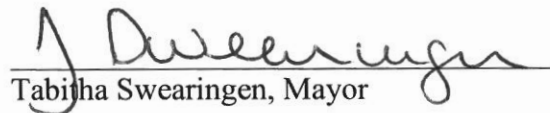
SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date its passage, the public welfare requiring it.

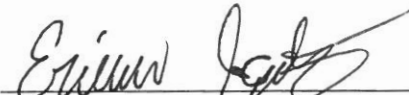
Approved 1st Reading: September 10, 2026

Public Hearing Held: October 8, 2026

Approved 2nd Reading: October 8, 2026


Tabitha Swearingen, Mayor

10-8-26
Date

Attest: 
Erinn Scates, City Recorder