



## Legislation Details (With Text)

**File #:** 18-0562      **Version:** 1      **Name:** Itinerant Merchants - Mobile Food Vendors  
**Type:** Ordinance      **Status:** Consent Agenda  
**File created:** 5/23/2018      **In control:** Board of Mayor & Aldermen  
**On agenda:** 8/28/2018      **Final action:** 8/28/2018  
**Title:** Consideration of Ordinance 2018-29 to be entitled: An Ordinance to Amend Title 9 Chapter 2 Section 9-201(2) of the City of Franklin Municipal Code as it Pertains to Itinerant Merchants and the Removal of Vehicles, Trailers, Kiosks, Stands, Tables, Signage, Furniture, and Related Ancillary Equipment when Not Open for Business. (6/12/18 WS, 6/26 BOMA Deferred 1st Reading to 8/14 BOMA, 08/14/18 WS and BOMA 1st Reading 8-0) SECOND AND FINAL READING  
**Sponsors:** Eric Stuckey, Vernon Gerth  
**Indexes:**  
**Code sections:** Title 8, Chapter 1 - Municiple Code - Alcoholic Beverages  
**Attachments:** 1. 18-0562 2018-29 ORD Intinerant merchants.Law Approved 2.pdf, 2. 18-0562 2018-29 ORD Intinerant merchants.Law Approved.pdf, 3. ORD 2018-29 - Section 9-201 - Itinerant MerchantMFvjg.pdf, 4. NLC Mobile Food Vendors, 5. Knoxville Mobile Food Ordinance, 6. Cary, NC Mobile Food Application and Ordinance, 7. Muni Code Sec. 9-201(2) and Recommended Amendment 5-18

Date	Ver.	Action By	Action	Result
8/28/2018	1	Board of Mayor & Aldermen	approved	Pass
8/14/2018	1	Work Session	acknowledged	
8/14/2018	1	Board of Mayor & Aldermen	referred as a Consent Item	Pass
6/26/2018	1	Board of Mayor & Aldermen	referred	Pass
6/12/2018	2	Work Session	referred	

**DATE:** August 14, 2018

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Vernon Gerth, Assistant City Administrator - Community/Economic Development

**SUBJECT:** Consideration of Ordinance 2018-29 to be entitled: An Ordinance to Amend Title 9 Chapter 2 Section 9-201(2) of the City of Franklin Municipal Code as it Pertains to Itinerant Merchants and the Removal of Vehicles, Trailers, Kiosks, Stands, Tables, Signage, Furniture, and Related Ancillary Equipment when Not Open for Business. (6/12/18 WS, 6/26 BOMA Deferred 1<sup>st</sup> Reading to 8/14 BOMA, 08/14/18 WS and BOMA 1<sup>st</sup> Reading 8-0) SECOND AND FINAL READING

### Purpose

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) regarding the proposed amendment to the itinerant merchant section of the City's Municipal Code

and the work staff is doing on drafting a comprehensive mobile food vending ordinance.

### **Background**

During the June 12<sup>th</sup> Board of Mayor and Alderman work session, City staff and Aldermen discussed the City's current practices for managing mobile food vendors. It was evident that the City's current method of managing mobile food vendors under the Itinerant Merchant section of the City's Municipal Code was not broad enough to manage this growing and popular industry, long-term. Therefore, staff has drafted an amendment to the Itinerant Merchant section of the Municipal Code, Section 9-201(2) to clarify the "temporary and transient" nature of the itinerant merchant business for consideration on the August 14<sup>th</sup> work session and BOMA voting meeting.

This proposed ordinance amendment does not apply to mobile food vendors. Rather, it clarifies "temporary or transient" by adding language that requires the removal of all vehicles, trailers, stands, stalls, and kiosks when not open for business (unless otherwise expressly permitted by the City). This amendment also includes language that applies to all ancillary equipment associated with itinerant merchants, including, but not limited to, signs, tables, chairs, marketing materials, set-ups, and/or trash bins.

Additionally, City staff has commenced work on drafting a stand-alone Mobile Food Vending Ordinance that will be presented to the BOMA in the coming months. As an interim measure, staff has drafted a resolution that allows mobile food vendors to operate on private property, with permission from the property owner, unrestricted through the end of the year or, until the BOMA have adopted a mobile food vendor ordinance, whichever comes first. Resolution 2018-61 appears as a separate item on the agenda.

### **Financial Impact**

Itinerant Merchants presently pay an annual fee of \$50 to operate within the City of Franklin. In the drafting of a new, mobile food ordinance, staff will re-evaluate the annual fee to ensure it reflects the City's cost of service for managing mobile food vendors.

### **Recommendation**

Staff recommends approval of this amendment Ordinance 2018-29 as it pertains to Itinerant Merchants.