



Legislation Text

File #: 19-0465, **Version:** 1

DATE: May 20, 2019

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Vernon Gerth, Assistant City Administrator

SUBJECT:

Consideration of Ordinance 2019-14 AS AMENDED, "An Ordinance To Create Title 9, Chapter 11 Of The Franklin Municipal Code Establishing Regulations For Operating A Mobile Food Vending Business Within The City Of Franklin, Tennessee." (05/28/19 WS; 06-11-19 BOMA 1st Reading 7-1) Second and Final Reading

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with the City of Franklin Mobile Food Vending Ordinance.

Background

In the past, the City of Franklin has allowed mobile food vendors to operate as itinerant merchants in accordance with the requirements set forth in Title 9, Chapter 4 of the City of Franklin Municipal Code entitled Peddlers and Solicitors which did not sufficiently regulate this growing and popular industry.

Because of the increased popularity of the mobile food vending industry, the City of Franklin has received a growing number of requests from mobile food vendors to operate within City limits. City staff received direction from the City of Franklin Board of Mayor and Aldermen to further examine existing City regulations related to itinerant merchants and mobile food vendors. City staff has concluded mobile food vendors, when carefully incorporated into the fabric of a community, increases the vitality of public and private spaces, increases the number of local culinary options, offers an alternative for dining that otherwise require driving, and fosters opportunities for local entrepreneurship.

City staff has provided the Board of Mayor and Aldermen a draft mobile food vending ordinance inclusive of definitions, permitting and operational requirements, and regulations for operation within City of Franklin parks.

After considering the input from a cross-section of stakeholders that included existing business owners with brick and mortar locations to mobile food vendors, city staff has thoughtfully finalized the attached draft to present to the Board of Mayor and Aldermen for their consideration. Also attached is the accompanying ordinance (Appendix A) establishing Mobile Food Vending Permit fees for both Mobile Food Vehicles and

Location-Specific Mobile Food Permits. The fees proposed are \$100/year for Mobile Food Vehicles and \$200/year for Location-Specific Mobile Food Permits, the latter of which are issued to the owners of private property.

Ordinance highlights include:

1. Mobile Food Vehicles would be allowed to operate in Office, Commercial, Industrial, Mixed-Use and Civic and Institutional zoned districts and in residentially-zoned districts under certain conditions.
2. The proposed ordinance does not apply to caterers which may include a Mobile Food Vehicle(s) serving private parties and, that are not making individual sales to the public.
3. A \$100 permit is required annually for Mobile Food Vehicles that are expected to be “In-Operation”. “In-Operation” means Mobile Food Vehicles that are expected to leave a site when not setting up, in operation(serving), or closing. There is an exception from the “In-Operation” requirement when the Mobile Food Vehicle is either participating in a City-approved Special Event or when located on a private property that has a valid Location-Specific Mobile Food Permit.
4. A Location-Specific Mobile Food Vending Permit allows for one (1) Mobile Food Vehicle to remain on a property over-night, for an indefinite duration even when not open for business. No permanent connections to water, sanitary sewer, natural gas, or electric are allowed and all temporary signs, steps, chairs, etc. will need to be stored out of site when not open.
5. A property with a valid Location-Specific Mobile Food Vending Permit may have multiple Mobile Food Vehicles “In-Operation” but only one can remain staged throughout the night.
6. Since the City of Franklin has historically been pro-active in its management of the floodplain and floodway, this ordinance does not allow for Location-Specific Permits to be issued to property owners whose property is located within the floodplain or floodway. This requirement does not restrict, in any way, Mobile Food Vehicles “In-Operation” from operating on private property located within the floodplain or floodway. City staff determined that allowing Mobile Food Vehicles or other uses in the floodplain and floodway that are not flood-proofed and unattended would be contrary to the City’s current floodplain and floodway management policies.

Financial Impact / Options:

Staff has considered the application, review, and enforcement time and cost associated with Mobile Food Vending and is proposing the incorporation of the permit fees into Municipal Code as a separate ordinance. No other financial impacts are foreseen.

Recommendation

Staff recommends approval of Ordinance 2019-14.