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REGULAR AGENDA

October 13, 2016

Honorable Mayor and Members of City Council

RE: FOOD TRUCK ORDINANCE AND REGULATIONS

Background

In response to the growing demand for and presences of food trucks in our community, the proposed Ordinance has been developed with community input to guide food truck operations in the city limits. The proposed Ordinance establishes a permitting process for mobile food vendors that seeks to balance the desire for loosening restrictions on food trucks with the desire to maintain regulations necessary for the health, safety and welfare of our citizens.

Our Approach

In developing the Ordinance, the following guiding principles were applied:

- Regulations should be concise, easy to understand, and thereby easy to comply with.
- Regulations should focus on balancing the demand for additional food choices provided by food trucks, with the city's responsibility to minimize the impact of their operations on pedestrian safety, traffic, brick-and-mortar businesses, and other concerns.
- Locations for food trucks should be amendable at the administrative level in order to be timely and responsive to emerging or future needs.
- Rather than recovering administrative costs on each permit fee, the application fee should be set low as to encourage operators to seek a permit, while those found operating without a permit or operating in violation of a permit should be required to pay a more significant fee to encourage remediation and compliance.

Public Engagement

A new city webpage on *Food Truck Permits* and a Facebook page, *City of Murfreesboro – Food Truck Ordinance*, were created to provide information on the proposed Ordinance. The public, including downtown business owners, residents, and potential food truck operators, were invited to participate in the development of the new regulations. Two public meetings were held on August 15, 2016 with approximately 35 total participants; of those in attendance, the majority were food truck vendors or food truck advocates. During the meeting, the draft Ordinance was discussed and each attendee had the opportunity to ask questions, share their ideas, and make recommendations for possible designated locations. In addition, several individuals called or stopped in City Hall to share their feedback. All comments received were documented, evaluated, and largely included into the currently recommended, proposed Ordinance. On September 21, 2016, a third public meeting was held to present the changes within the revised draft. Approximately 15 individuals attended the

Administration Department

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meeting and expressed general support for the public engagement process, the proposed permitting process and operating guidelines.

General Requirements

Food trucks will be required to apply for a Mobile Food Service permit to operate within the city limits. All food trucks will have to provide proof of having first obtained a health department permit and completed a Fire Marshal's safety inspection. Additionally, the City's permit would require information about the owner, operator, photographs of the vehicle, a copy of the operator's business license, and proof of insurance coverage. The proposed Ordinance establishes a \$50 application fee to reimburse the city for administrative costs. Permits will expire 12 months from the issuance date. The City has the right to deny, suspend, revoke, or reinstate a permit.

The proposed permitting process is meant to ensure that a Food Truck has met standards necessary to ensure the health, safety, and welfare of our citizens. Upon obtaining a permit, the Food Truck may operate at any location within the City that complies with the proposed Ordinance.

Food Trucks On Public Property

Public right-of-way and other public property designated for food truck locations will be listed on the City's website. In the future, any revisions to the list of designated locations will be subject to approval by the City Manager.

Proposed designated areas include on-street parking locations and two city-owned parking lots in downtown Murfreesboro. Locations were selected with primary consideration given to areas with wide sidewalks and adequate parking facilities to ensure pedestrian safety. Food trucks are prohibited from operating in public alleys. A list of the proposed designated locations will is attached.

Food Trucks In City Parks

In developing the proposed Ordinance, staff recognizes that the operation of food trucks within City parks has unique and different consequences than their operation on city streets, city-owned parking lots or other public property. In addition to compliance with the proposed Ordinance, food truck operators should also adhere to rules and regulations developed by Murfreesboro Parks and Recreation Department. City staff will seek approval for establishing, and any future amendment to, such rules and regulations from the Murfreesboro Parks and Recreation Commission.

Food Trucks On Private Property

Food trucks will be allowed to operate on private property where there is a commercial, office, educational, or industrial use, with the written permission of the property owner(s). Food trucks are prohibited from operating on unimproved lots; unless the parcel is paved, has paved ingress and egress, and has on the parcel a principal structure with an operating restroom. Food Trucks may operate up to four (4) days per calendar week on the same lot. A lot may not operate more than 2 food trucks at any location with coordinated advertising to the public unless they have obtained a

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Special Event permit. Food trucks may not require the use of more than 25% of existing parking spaces located on the site.

Food Truck Rally

A “Food Truck Rally” is defined as any coordinated, advertised gathering of 4 or more food trucks in a single location on a date certain with the intent to serve the public. These events, whether on public or private property, will require a Special Event Permit, as they could create a mass gathering. A Special Event Permit will give city staff the opportunity to review the event’s site plan and evaluate any concerns affecting the public’s safety, use of City streets, right-of-ways, sidewalks, or other infrastructure. In granting these applications, the City may impose reasonable conditions to ensure that any detrimental impacts are mitigated to a reasonable degree.

Recommendation

City Council is recommended to adopt a revised Ordinance 16-O-32, amending the Murfreesboro City Code, Chapter 13 – Food and Food Products, adding Sections 13-20 through 13-26, regarding mobile food vending.

Attachments

Proposed Designated Public Locations

Sincerely,

Jennifer Moody
Assistant City Manager

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