



City Clerk, Marsha P. Marshall | 900 Waterford Place | Kingston, TN 37763 | (865) 376-6584

APPLICATION FOR MOBILE FOOD VENDOR
PERMIT MUST BE ISSUED AT A MINIMUM OF FIVE (5) BUSINESS DAYS PRIOR TO EVENT

Original Application _____

Renewal Application _____

Date: Amount Paid _____

1. APPLICANT INFORMATION (Owner(s) of the Business)

Business Name: _____

Owner #1 Full Name: _____ Title: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell Phone: _____

Mailing Address (if different): _____

Date of Birth: _____ Social Security No. _____ Email Address: _____

Description of the nature of the business and of the goods to be sold: _____

Vehicle Make: _____ Vehicle Model: Year: _____

Have any of the officers, members or shareholders been convicted of a felony within a ten-year period immediately preceding the date of this application? No _____ Yes _____ If yes, describe in detail all such felonies: _____

OWNER #2 (If applicable)

Owner #2 Full Name: _____ Title: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell Phone: _____

Mailing Address (if different): _____

Date of Birth: _____ Social Security No. _____ Email Address: _____

(USE ADDITIONAL SHEETS IF NECESSARY, TO LIST ALL OWNERS)

2. PERMISSION FOR BACKGROUND CHECK:

The undersigned acknowledges that the City of Kingston will obtain a background check of the Owner(s) of the mobile food vendor vehicle. The City reserves the right to reject an applicant if he or she (or in the case of an LLC or corporation, its owner(s)), (1) is a registered sex offender; (2) has been convicted of a felony in the past ten years; (3) has a chronic history of an unreasonable number and kind of moving vehicle violations as determined by the Chief of Police; or (4) presents an unreasonable public health and safety risk based on past criminal history as determined by the Chief of Police.

The undersigned also acknowledges and affirms their duty as hereby required by this code to perform background checks on each employee or agent operating the mobile food vendor vehicle permitted herein. They acknowledge and affirm that they will not allow an employee or agent to work in the City of Kingston as a mobile food vendor if such employee or agent is a registered sex offender or if such employee or agent has been convicted of a felony within the past ten years.

3. STATEMENTS

- (a) The Applicant or Applicants named in this application agree to comply with all applicable federal, state and city laws and ordinances, and agree to the validity of and reasonableness of the application fee.
- (b) The Applicant or Applicants named in this application hereby certify the truthfulness of the information provided in this application.

Owner #1

Applicant's Signature _____ Date _____

Applicant's Printed Name _____

STATE OF TENNESSEE)
COUNTY OF _____)

The applicant named above in my presence and who, after being duly sworn according to law, made oath that the facts as stated therein are true, signed this application.

Sworn and subscribed to me this ____ day of _____, 20 ____.

My commission expires: _____ Notary Public _____

Owner #2

Applicant's Signature _____ Date _____

Applicant's Printed Name _____

STATE OF TENNESSEE)
COUNTY OF _____)

The applicant named above in my presence and who, after being duly sworn according to law, made oath that the facts as stated therein are true, signed this application.

Sworn and subscribed to me this ____ day of _____, 20 ____.

My commission expires: _____ Notary Public _____

Required Documents Checklist

This page is for reference only.

Additional documents or information may be required by the City Clerk.

Name of Mobile Food Vendor _____

Required Item	Applicant	Staff
Copy of City and County business licenses	<input type="checkbox"/>	<input type="checkbox"/>
Copy of TN Department of Health license	<input type="checkbox"/>	<input type="checkbox"/>
Copy of driver's license(s)	<input type="checkbox"/>	<input type="checkbox"/>
Copy of vehicle registration	<input type="checkbox"/>	<input type="checkbox"/>
Copy of proof of automobile liability insurance	<input type="checkbox"/>	<input type="checkbox"/>
Color photo of the mobile food unit	<input type="checkbox"/>	<input type="checkbox"/>
Proof of sales tax registration	<input type="checkbox"/>	<input type="checkbox"/>
Letter of permission from business owner	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Transient Vendor License, if required	<input type="checkbox"/>	<input type="checkbox"/>
Application fee of \$120	<input type="checkbox"/>	<input type="checkbox"/>

For Office Use Only

Date of Receipt of Application: _____

Date Permit Issued: _____

Permit Number: _____

Background Check from KPD:

Approved _____ Denied _____

EXHIBIT A

Mobile Food Vendors and Food Trucks

Section _-01. Definitions.

- (a) Mobile food vendor is defined as any person selling food and/or drink from a mobile vehicle, including a food truck, food trailer and ice cream truck.
- (b) Mobile food vendor vehicle is defined as a vehicle that returns daily to its base of operations and is used either in the preparation or sale of food or drink products, or both.
- (c) Food truck is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking and selling various types of food and/or drink products other than exclusively ice cream and related frozen products.
- (d) Food trailer is defined as a detached trailer that is equipped with facilities for preparation, cooking and selling various types of food and/or drink products.
- (e) Ice cream truck is defined as a motor vehicle containing a commercial freezer from which a vendor sells only frozen, pre-packaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar frozen items.

Section _-02. Requirements.

- (a) Licenses and Permits. It shall be unlawful for any person to engage in business as a mobile food vendor within the City of Kingston without first obtaining a business license and mobile food vendor license with a decal evidencing such license. Any permits, licenses and certifications required by the Roane County Department of Health and/or State of Tennessee for operation of the business are also required. City of Kingston transient vendor licenses for those business owners residing in Kingston or Roane County, Tennessee will not be required for mobile food vendors. State transient vendor licenses will be required for owners of businesses residing outside of Roane County, Tennessee, and/or businesses based outside of Roane County, Tennessee, if otherwise required by the State of Tennessee. Upon being granted a mobile food vendor license, a mobile food vendor must comply with the rules and regulations herein.
- (b) Insurance. At the time of the application for a mobile food vendor license, the mobile food vendor must provide proof of valid automobile liability insurance in an amount required by law for operation of the applicable mobile food vendor vehicle(s). Failure to maintain this insurance when acting as a

mobile food vendor will result in immediate revocation of the mobile food vendor license.

- (c) Litter Receptacles. Each licensed mobile food vendor must maintain for customer use a litter receptacle of sufficient size to accept the litter being generated by the sales from the vendor's mobile food vehicle at the point of sales. The receptacle must be maintained in such a manner as to preclude an overflow of refuse. Each mobile food vendor shall pick up litter which is associated with the vendor's sale in the vicinity of the vendor's mobile food vehicle prior to departing a sales location. A pattern of leaving excessive litter caused by product packaging shall be basis for suspension or revocation of the mobile food vendor license.
- (d) What Can Be Sold. Mobile food vendors shall be limited to edibles and hot and cold beverages containing no alcohol. The sale of non-food or drink items from mobile food vendor vehicles shall be limited to merchandise displaying the mobile food company logo and/or branding.
- (e) No Seating and Tables. There shall be no benches, tables, chairs or other furniture which may be used for eating or sitting provided by or associated with a mobile food vendor vehicle.
- (f) Fire Extinguishers and Fire Suppression Systems. All food trucks and food trailers must be equipped with a fire extinguisher that is certified annually by a licensed company. Additionally, food trucks and food trailers that produce grease laden vapors (*i.e.* units with deep fat fryers or flat-top griddles) must have a fire suppression system certified bi-annually by a licensed company.
- (g) Placement. Mobile food vendor vehicles shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers.
- (h) Pedestrian Only. Mobile food vendor vehicles shall serve pedestrians only; drive-through or drive-in services are hereby prohibited.
- (i) Health Regulations. All mobile food vendors and their mobile food vendor vehicles must be in compliance with all applicable health regulations for Roane County and the State of Tennessee relating to food safety and preparation.
- (j) Noises. Other than ice cream trucks being able to play a song associated with its business at a reasonable level of sound, no mobile food vendors shall sound any device which produces an offensive or loud noise to attract customers, and mobile food vendors shall not use a public address system on the vehicle to broadcast and advertise products

- (k) No parking in fire lanes. No mobile food vendors shall park in fire lanes.
- (l) Signs. Signs which are permanently affixed to the mobile food vendor vehicle shall extend no more than six inches from the vehicle. Except as stated herein, all signs shall be attached or painted on the mobile food vendor vehicle. Electronic signs are prohibited as are signs that flash, reflect motion pictures, emit smoke or vapor, or produce any rotation, motion or movement. Each food truck or food trailer is permitted one sandwich board type sign located within ten (10) feet of the applicable food truck or food trailer for advertisement purposes while the food truck or food trailer is open for business. Such sandwich board sign shall be no more than forty-eight (48) inches high and contain no more than seven (7) square feet.

Section_-03. Sales on Streets and Public Property

- (a) Ice cream trucks. The hours of operation for ice cream trucks are between 9:00 a.m. and sunset as stated for that day for the Kingston area by the National Weather Service. Ice cream trucks may vend on public streets so long as they remain mobile and only make stops of ten (10) minutes or less at one location.
- (b) Food trucks and food trailers. Food trucks and food trailers are prohibited from selling food on any public street, sidewalk, alley, trail or right-of-way or any City owned or controlled property including, but not limited to, parks unless approved by the City as part of a City permitted special event. All mobile food vendors must comply with all rules, regulations and requirements related to the City permitted special event, including but not limited to, provisions as to where the mobile food vendors will be located, how long the mobile food vendors can be present at the location, and how many and which food trucks can participate in the City permitted special event.

Section_-04. Mobile Food Vendors on Private Property. All mobile food vendors shall be subject to the following regulations on private property:

- (a) Existing Restaurants. Other than an ice cream truck, no mobile food vendor shall operate within fifty (50) feet of a door intended for regular public use of a lawfully established eating establishment that is open for business (other than another mobile food vendor vehicle) unless the mobile food vendor provides documentation which is signed by the restaurant owner or operator that the restaurant owner or operator has no objection to a closer proximity.

- (b) **Location.** Mobile food vendors will be permitted on private property in the City according to the terms and conditions herein. A mobile food vendor under this section must have written permission from a private property owner for setting up for each location. The mobile food vendor must provide a copy of such written permission upon demand to City officials. No mobile food vendor on private property shall do business or operate within fifty (50) feet of any property line of any lot used for residential purposes.
- (c) **Hours of Operation.** Leaving the Location at Night. No mobile food vendor shall operate outside the hours of 8:00 a.m. to 10:00 p.m. At the end of each business day's operation, the mobile food vendor shall remove from the property the mobile food vendor vehicle (unless otherwise expressly permitted to stay by the City) and all materials associated with the business.

Section -05. **Permit.** Applicants for a permit under this section shall file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk. Submission of false or misleading information will result in revocation of the permit and a ban on receiving future permits. The application shall provide the following:

- (a) The name and contact information of the applicant.
- (b) The applicant's permanent street address, mailing address and email address.
- (c) The applicant's telephone numbers including a cell phone number if available.
- (d) A brief description of the nature of the business and of the goods to be sold.
- (e) A copy of the vehicle registration for any mobile food vendor vehicle and proof of automobile insurance for the mobile food vendor vehicle.
- (f) A copy of the business license, proof of State of Tennessee sales tax registration, and any health department license or certification required by Roane County Department of Health or the State of Tennessee.
- (g) State transient vendor licenses will be needed for businesses based outside of Roane County, Tennessee, if required by the State of Tennessee.
- (h) Color photograph(s) of the mobile food vendor vehicle's interior and exterior.
- (i) Permission to obtain a background check of owner(s) of mobile food vendor vehicles. The City reserves the right to reject an applicant if he or she (or in the case of an LLC or corporation, its owner(s)), (1) is a registered sex offender; (2) has been convicted of a felony in the past ten years; (3) has a

chronic history of an unreasonable number and kind of moving vehicle violations as determined by the Chief of Police; or (4) presents an unreasonable public health and safety risk based on past criminal history as determined by the Chief of Police.

The applicant owner must also acknowledge and affirm his, her or its duty as hereby required by this code to perform background checks on each of his employees or agents operating the mobile food vendor vehicle permitted herein. The applicant must acknowledge and affirm that he, she or it will not allow an employee or agent to work in the City as a mobile food vendor if such employee or agent is a registered sex offender or if he or she has been convicted of a felony within the past ten years.

- (j) Payment of an application fee is \$120.00. No refunds will be issued.
- (k) Such other relevant information as may be reasonably requested by the City after review of submission of the material in order to assure full review of the information needed to assess the impact of the proposed operation on the health, safety and well-being of the public.

Section __-06. **Permit Renewal**. A permit issued under this section shall be valid for one calendar year from the date of issuance and shall be renewed on an annual basis on or by the anniversary date of issuance upon proper application and payment of the permit fee of an additional One Hundred Twenty dollars (\$120.00) per year. A permit shall be valid for only one mobile food vendor vehicle. Each operator and/or applicant shall file additional application and pay an additional permit fee for each additional mobile food vendor vehicle. No refunds will be issued for renewed permits and no renewed permits for partial years will be issued.

Section __-07. **Permit**. Each applicant upon being issued a permit under this section must display it at all times on the right front windshield's lower corner on each mobile food vendor vehicle or at such other location on the vehicle as the City in writing shall approve.

Section __-08. **General Requirements of Mobile Food Vendor Vehicles**: All exterior bodywork and mechanical equipment of a mobile food vendor vehicle shall be maintained in good condition, free of excessive wear, tear or damage.

Section __-09. Inspections:

- (a) Department of Health Primary. Nothing in this section shall be construed as limiting or replacing the role of the Tennessee Department of Health which has the primary task of inspecting mobile food vendor vehicles.
- (b) Entry. The City Police and other officials shall have the right at any time after displaying proper identification to enter into or upon any mobile food vendor vehicle for the purpose of ascertaining whether or not any provisions of this section are being violated and for general inspection purposes.
- (c) Shut Down. Any mobile food vendor vehicle which is found after any City inspection to be unsafe or not compliant with this section may be directed to be out of operation until the deficiency is corrected.

Section __-10. Penalties. Violations of this Chapter are subject to the general penalty clause for the City of Kingston. The City may also suspend or revoke a permit issued hereunder for violation of this Chapter