

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
NOVEMBER 3, 2022
7:00 P.M.

1. Roll Call
2. Call to Order
3. Prayer and Pledge
4. Approval of Agenda and Executive Session Announcements
5. Public Hearing(s)
6. Citizen Comments (Limited to the first 5 citizens to sign in and a limit of 3 minutes each)
7. Public Announcements, Awards and Recognitions
 - A. City Events
8. Staff Comments and Monthly Reports
 - A. Fire Report
 - B. Police Report
 - C. City Manager Report
9. Consent Agenda (Any Item May be Removed for Individual Consideration)
 - A. Minutes from Board of Commissioners Meeting October 20, 2022
10. Old Business
 - A. Rezoning of 25.04 Acres Located at 7309 Crow Cut Road
 - 1) Public Hearing
 - 2) Second and Final Reading of Ordinance 2022-27, An Ordinance to Amend the Zoning Ordinance of the City of Fairview, Tennessee by Rezoning 25.04 Acres of Property Located at 7309 Crow Cut Road, Consisting of Williamson County Tax Map 046, Parcel 018.00, From RS-40 (Residential) to RS-20 (Residential), Property Owners: Donald A Cunningham and Maryanne L Cunningham, Agent: Rob Molchan, SEC, Inc.
 - B. Food Trucks
 - 1) Public Hearing
 - 2) Second and Final Reading of Ordinance 2022-28, An Ordinance to Amend Title 9, Chapter 7 of the City of Fairview Municipal Code by Adding Section 9-701 Entitled "Food Trucks"
 - C. Permitting Beer Sales from Food Trucks
 - 1) Public Hearing

- 2) Second and Final Reading of Ordinance 2022-29, An Ordinance to Amend Title 8, Chapter 2, Section 8-211 of the City of Fairview Municipal Code, to Include Section 8-211(A) Regarding the Permitting of Beer Sales from Food Trucks

11. New Business

- A. Ordinance 2022-31, Building Permit Fee Revisions

12. Communications from the Mayor and Commissioners

13. Meeting Adjournment

ORDINANCE No. 2022-27



AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF FAIRVIEW, TENNESSEE, BY REZONING 25.04 ACRES OF PROPERTY LOCATED AT 7309 CROW CUT ROAD, CONSISTING OF WILLIAMSON COUNTY TAX MAP 046, PARCEL 018.00, FROM RS-40 (RESIDENTIAL) TO RS-20 (RESIDENTIAL), PROPERTY OWNERS: DONALD A CUNNINGHAM AND MARYANNE L CUNNINGHAM, AGENT: ROB MOLCHAN, SEC, INC

WHEREAS, the City of Fairview zoning ordinance, and the zoning maps therein adopted be, and the same are hereby amended by rezoning the property herein described as 25.04 acres of property consisting of Williamson County tax map 046, parcel 018.00, located at 7309 Crow Cut Road, from RS-40 (Residential) to RS-20 (Residential), property owners: Donald A Cunningham and Maryanne L Cunningham, agent: SEC, INC.; and

WHEREAS, said property to be rezoned from RS-40 to RS-20 is located within the corporate limits of the City of Fairview; and

WHEREAS, the City of Fairview Municipal Planning Commission forwarded the request to the Board of Commissioners on September 13, 2022, with a recommendation for approval without conditions; and

WHEREAS, that all ordinances or parts of ordinances in conflict are hereby repealed; and

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE, BOARD OF COMMISSIONERS AS FOLLOWS:

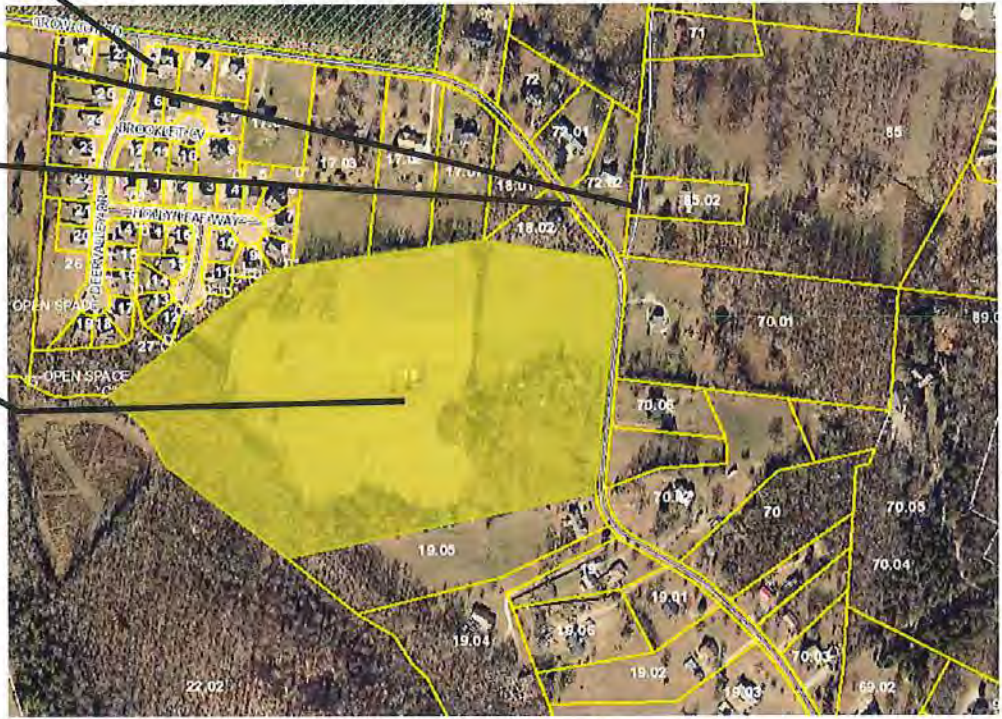
The zoning ordinance of the City of Fairview, Tennessee, is hereby amended by rezoning 25.04 acres of property consisting of Williamson County tax map 046, parcel 018.00, located at 7309 Crow Cut Road, from RS-40 (Residential) to RS-20 (Residential), as requested by owners Donald A Cunningham and Maryanne L Cunningham and agent SEC, INC., the public welfare requiring it. The rezoning of this site shall be subject to all City of Fairview ordinances and regulations.

Deer Valley Downs

Bowie Hollow Road

Crow Cut Road

Crow Cut Corner
7309 Crow Cut Road
Rezone 25.04 Acres
Map: 046 Parcel: 018.00
Owners: Donald A
Cunningham and Maryanne L
Cunningham
Current Zoning: RS-40
Requested Zoning: RS-20



Approved by the Board of Commissioners:

Mayor

ATTESTED:

City Recorder

APPROVED AS TO FORM:

City Attorney

Passed 1st Reading: October 6, 2022

Public Hearing: _____

Passed 2nd Reading: _____

Published for public notice on:

In:

Publication



ORDINANCE No. 2022-28

AN ORDINANCE TO AMEND TITLE 9, CHAPTER 7, OF THE CITY OF FAIRVIEW MUNICIPAL CODE BY ADDING SECTION 9-701 ENTITLED "FOOD TRUCKS".

- WHEREAS, the food truck industry is a growing and vital economic generator; and
- WHEREAS, food trucks have become popular in the City of Fairview and often operate at several locations across the city; and
- WHEREAS, the City of Fairview desires to promote economic development through the encouragement of vibrant entertainment alternatives, including accommodating the popularity and growth of the food truck industry.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE, THAT THE CITY OF FAIRVIEW MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:

Title 9, Chapter 7, of the City of Fairview Municipal Code, entitled "Food Trucks", is hereby created.

AND BE IT FURTHER ORDAINED, that Title 9, Chapter 7, of the City of Fairview Municipal Code, entitled "Food Trucks", shall include Sections 9-701 through 9-706 and those Sections shall read as follows:

9-701 DEFINITIONS.

- (1) Food Trucks are vehicles from which the operator stores, cooks, prepares, or assembles food items with the intent to sell such items to the general public and which may market their products to the public via advertising, including social media.
- (2) Food Truck Rallies are coordinated and advertised gatherings of more than four (4) Food Trucks in one location on a date certain with the intent to serve the public.
- (3) 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 pre-packaged beverages.

- (4) Location means any single property parcel and all other parcels that is contiguous or cumulatively contiguous to that owned or controlled by a single or affiliated entities.
- (5) Mobile Food Service Permit means a permit issued by the City for the operation of Food Trucks, special events, City co-sponsored events, or an approved Food Truck Rally.
- (6) Mobile Food Service Vehicle means a Food Truck, a Canteen Truck, or an Ice Cream Truck and includes any other portable unit that is attached to a motorized vehicle and that is intended for use or in service to the operations of the Mobile Food Service Vehicle.
- (7) Operate means to promote or sell food, beverages, and other permitted items from the Mobile Food Service Vehicle and includes all tenses of the word.
- (8) Operator means any person owning, operating, or permitted to operate a Food Truck and collectively refers to all such persons.
- (9) Vehicle, as used in this article, means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

9-702 GENERALLY.

- (A) It is a violation to operate a Mobile Food Service Vehicle at any location except in compliance with the requirements of this article.
- (B) Mobile Food Service Vehicle operators must comply with all state and local business license and tax regulation.

9-703 LOCATIONS AND HOURS OF OPERATION.

- (A) Food Trucks.
 - (1) *Public Property.* Food Trucks may operate on City property, including City parks, only at the times and locations listed on the City's website as public property upon which Food Trucks can operate.
 - (2) *Private property.* Food Trucks may operate on private property where there is a commercial, office, educational, or industrial use subject to the following conditions:
 - (a) *Permission.* Food Trucks selling to the public from private

property shall have the written permission of the property owner, which shall be made available to the City immediately upon request.

(b) *Unimproved Properties.* Regardless of an agreement with the owner of the property, a Food Truck may not operate on an unimproved parcel or portion of an unimproved parcel unless that parcel has improved ingress and egress. The City of Fairview reserves the right to require temporary restroom facilities on unimproved properties used by mobile food trucks.

(c) *Frequency.* Food Trucks may operate no more than four (4) days per calendar week at a location on privately owned property.

(d) *Maximum Number of Food Trucks.* No more than three (3) mobile food trucks may operate at any location with coordinated advertising to the public unless a Special Event Permit has been secured by the property owner or event coordinator.

(e) *Existing Parking Spaces.* Mobile food trucks may not require the use of more than twenty-five percent (25%) of existing parking spaces located on the property for which it has an agreement to operate.

(3) *Restroom Facility.* Food Trucks operating at a location for a duration of more than three (3) hours must have a written agreement, available upon request by the City, that permits employees to have access to a flushable restroom no more than 450 feet of the vending location during all the hours of operation.

(B) *Ice Cream Trucks*

(1) *Locations.*

(a) *Private Property.* An Ice Cream Truck may operate on private property with written permission of the property owner, which will be immediately available to the City upon request. An Ice Cream Truck may not require use of more than twenty-five percent (25%) of existing parking spaces. No Ice Cream Truck may operate on the same or adjoining private property more than two (2) days per week.

(b) *Food Truck Rallies.* An Ice Cream Truck may operate at a Food Truck Rally only after complying with all requirements applicable to a Food Truck.

(c) An Ice Cream Truck may also be mobile on public streets and stopping on private property to sell inventory; however, they may not impede traffic, shall obey all traffic rules and regulations, and will use extreme caution in its

- operation.
- (2) *Hours of Operation.* Ice Cream Trucks may operate after 11:00 a.m. and before sunset.

9-704 OPERATING REQUIREMENTS.

- (A) *Vehicle Requirements.*
- (1) *Design and Construction.* Mobile Food Service Vehicles must be specifically designed and constructed for the purpose of storage, preparation and sale of the specific type of food being sold and may not operate in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed.
- (2) *Licensing.* Mobile Food Service Vehicles must be licensed in accordance with the rules and regulations of any local, state, and federal agency having jurisdiction over motor vehicles and all products sold therein must be properly licensed, permitted, and allowed by local, state, and federal laws or regulations.
- (C) *Business Access.* No Mobile Food Service Vehicle may operate in a location that impedes the ingress to, egress from, or signage of another business or otherwise causes undue interference with access to other businesses or emergency areas, paths, or facilities.
- (D) *Pedestrians.* A Mobile Food Service Vehicle may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet (6'). This includes all components of the Unit and any patron queue. All awnings or canopies of the Unit shall be at least six feet, eight inches (6' 8") above the sidewalk.
- (E) *Distance between Units.* A Mobile Food Service Vehicle may not operate within three (3) feet of any other Mobile Food Service Vehicle.
- (F) *Types of Cooking Apparatuses.* Cooking apparatus allowed includes solid fuel grill, solid fuel oven, solid fuel or electric smoker, flat top griddle, and gas range or oven. Open flame cooking (other than with a gas range specifically constructed and designed within the Food Truck) either within or outside a Mobile Food Service Vehicle is prohibited; except where such activity is specifically permitted by the Fire Department. Ice Cream Trucks can have no heating apparatus installed within the vehicle for the purpose of food service.
- (G) *Noise.* All Mobile Food Service Vehicles shall comply with City of Fairview Noise Ordinance #2020-17 and its successors.
- (H) *Commissary.* If the Operator has a fixed, non-mobile establishment or any other place that is used for the storage of supplies, the preparation of food to be sold or served at or by

Mobile Food Service Vehicle, or the cleaning and servicing of the Mobile Food Service Vehicle, such a commissary location within the City cannot be located in any residential zoning district; unless such commissary complies with all applicable zoning regulations, building code requirements, and fire code requirements of the City of Fairview.

- (I) *Utilities.* All Mobile Food Service Vehicles shall comply with the version of the electrical code currently adopted by the City and any power, water, or sewage required for the Mobile Food Service Vehicle shall be self-contained and shall not use utilities drawn from other sources.
- (J) *Fire Extinguishers Required.* All Mobile Food Service Vehicles must be equipped with a 2-A:10B-C fire extinguisher that is serviced annually by a licensed company.
Additionally, any Mobile Food Service Vehicle that produces grease laden vapors (e.g., those units with deep fat fryers or flat top griddles) must be equipped with a K-Class fire extinguisher that is certified annually by a licensed company.
- (K) *Support Methods.* No Mobile Food Service Vehicle may use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings.
- (L) *Pedestrian Service Only.* Mobile Food Service Vehicles operating in the right-of-way shall service pedestrians only; drive-up, drive-thru, or drive-in service is prohibited.
- (M) *Spills.* To prevent discharges of grease or other contaminants into the storm drain system and river, each Unit shall comply with all storm water regulations of the City. In addition, each Unit shall have a spill response plan and kit on board to contain and remediate any discharge from the Unit. In the event of a spill, Operators are required to call City of Fairview Fire Department.
 - (1) Spill Plan - Food Trucks must post, on the interior of the vehicle, instructions for containing spills; at a minimum such plan should include a) description of and typical quantities materials that may be spilled; b) procedures for containing potentially spilled materials including proper disposal of spilled materials; c) procedures for storage, use, handling and transfer of materials to reduce potential for spilling; d) emergency notification requirements; and
 - (2) Spill Kit - Food Trucks must have a response kit on the vehicle including a) minimum 5-gallon storage and clean-up container capacity with lid; b) minimum of 10 adsorbent pads and 2 adsorbent socks or equivalent; c) disposable bag

adequate to hold contents of spill kit and spilled materials; d) 1 pair of disposable gloves.

(N) *Waste Collection.* The area of a Mobile Food Service Vehicle operation must be kept neat and orderly at all times. Operation of a Mobile Food Service Vehicle in an area is deemed acceptance by the Operator of the responsibility for cleanliness of the reasonable area surrounding the operations (not less than 20 feet from all parts of the Vehicle) regardless of the occurrence or source of any waste in the area. The Operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the Mobile Food Service Vehicle during the period of operation at a location. All trash within the area of operations regardless of the source must be removed and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a Mobile Food Service Vehicle from a location.

(O) *Signage.* Mobile Food Service Vehicles are limited to signs mounted to the exterior of the mobile food establishment and one (1) sandwich board sign with dimensions no larger than six (6) square feet. All signs mounted on the Unit shall be secured and mounted flat against the Unit and shall not project more than six inches (6") from the exterior of the Unit. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic. All signage must at all times conform to community standards of decency.

(P) *Alcohol sales.* Food Trucks may not sell alcoholic beverages, except as may be specifically allowed by state law and city ordinance. Canteen Trucks and Ice Cream Trucks are prohibited from selling alcoholic beverages.

(Q) *Insurance Requirements.* Mobile Food Service Vehicles shall obtain, at a minimum, any motor vehicle insurance required by any local, state, or federal laws and regulations.

(1) Food Trucks operating on City property are required, at all times, to maintain an appropriate amount of liability insurance coverage with the City named as additional insured. In the event the required coverage is not properly maintained, the Operator's Mobile Food Service Permit will be immediately revoked. The failure of the Operator to notify the City of any change in coverage will preclude the Operator from obtaining a permit for a period of six months from the date the City learns of the failure to provide the required notification of change.

(2) Ice Cream Trucks shall not operate on City property, except upon obtaining written permission from the City, and may be

required to obtain insurance consistent with the type of operation permitted.

- (R) All food trucks must meet all of the requirements with the State of Tennessee Department of Health and have documentation of such compliance on the food truck and available for City review.

9-705 MOBILE FOOD SERVICE PERMITS.

(A) *Applicable.* No Mobile Food Service Vehicle may operate within the City without a Mobile Food Service Permit issued by the City. A Mobile Food Service Permit authorizes the holder only to engage in the vending of products from a Mobile Food Service Vehicle in compliance with City Code and as specified on the permit. The Mobile Food Service Permit must be prominently displayed when the Mobile Food Service Vehicle is in operation.

(B) *Application.* A Mobile Food Service Vehicle operator shall apply for a Mobile Food Service Permit by payment of a \$50 non-refundable application fee and the following:

(1) Complete an application form provided by the City, which shall include the following information:

- (a) Name and address of the owner of the vehicle;
- (b) Name and address of the operator of the vehicle;
- (c) Three color photographs of the exterior (front, side, and back) as well as photographs of the interior food service portion of the vehicle in the final condition and with all markings under which it will operate;
- (d) A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the Mobile Food Service Vehicle.
- (e) A copy of the state or county health department license or permit applicable to mobile food providers;
- (f) A copy of the Fire Marshal's inspection report;
- (g) A copy of any alcoholic beverage licenses, if applicable;
- (h) A copy of the operator's Tennessee business license issued by the City or the operator's home-based County; and
- (i) A copy of insurance coverage.

(2) *Permittee Obligations.*

- (a) 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, including current photographs of the Mobile Food Service Vehicle in the event of any change in the appearance of or signage on the vehicle.
- (b) Permittee shall display permit provided by the City, upon approval of application, on the Mobile Food

Service Vehicle.

(c) Permittee is responsible for renewal of permit and will file renewal application with the city 30 days prior to expiration of permit.

(3) This section does not apply to contractual arrangements between a Mobile Food Service Vehicle Operator and an individual, group, or the City for catering at a specific location, for a period of not more than four (4) hours, and that is not open to or serving the public.

(C) *Issuance.* A Mobile Food Service Permit shall be issued based on approval from a full review of the application required by this section and upon payment of the permit fee. Permits may be obtained for a 30-day time period for a fee of \$100 or for a rolling twelve (12) month period for a fee of \$250.

(D) *Permits Not Allowed.* A Mobile Food Service Permit will not be issued to:

(1) an Operator that operated within the prior six (6) months notwithstanding a Mobile Food Service Permit that is suspended or has been revoked; or

(2) 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 held a Mobile Food Service Permit revoked within the prior twelve (12) months.

(E) *Expiration.* A Mobile Food Service Permit expires on the date twelve (12) months after issuance and may be renewed provided that all City requirements are met and the license has not been suspended or revoked.

(F) *Transferability.* A Mobile Food Service Permit may not be transferred except as part of the sale of an interest in a business holding the license or a sale of substantially all of the assets of a business holding the license.

(G) *Enforcement.* The City holds the right to inspect at any given time of operation and responsibility of enforcement will be a shared responsibility between the Police Department, Fire Department and Planning Department.

(1) *Operating Without a Permit.* If an Operator is found to be operating within the City and without a Mobile Food Service Permit, the Operator will be required to cease operations and not resume until the proper inspections and permits are acquired.

(2) *Warnings.* A City Enforcement Officer may provide one (1) warning to any Operator for a violation of this section except that a citation shall be issued as set forth in the section.

(3) *Citation.* A City Enforcement Officer must issue a citation to

- the mobile food service Operator for the following:
- (a) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months; or
 - (b) Any violation that constitutes ground for revocation of a mobile food service permit.
- (4) *Suspension.* A Mobile Food Service Permit shall be suspended until restatement upon issuance of a citation for the following reasons:
- (a) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months;
 - (b) The required vehicle license, health permit, or business tax license for the Operator or the Mobile Food Service Vehicle has expired or been suspended, revoked, or otherwise terminated;
 - (c) The Operator fails to obtain or maintain the insurance coverages required by this section.
 - (d) Operator violates any other provision of this Ordinance or state law.
- (5) *Revocation.* The City shall revoke a Mobile Food Service Permit after two (2) suspensions within a twelve (12) month period except that the Mobile Food Service Permit revoked (i) if an Operator fails to obtain a permit and upon expiration of the Temporary Permit as set forth in the Article; or (ii) the Operator operates in an unlawful manner such a manner as to constitute a breach of the peace, interferes with the normal use of the right-of-way, or otherwise constitutes a menace to the health, safety, or general welfare of the public.
- (6) *Reinstatement.*
- (a) *Suspension.* An Operator may reinstate a suspended Mobile Food Service Permit by payment of a fine of \$50 to offset the City's costs of compliance measures, 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 Service Permit after three (3) months from the date of revocation, the Operator corrects all circumstances that led to the violations, and the Operator pays a fine of \$50 to offset the City's costs of compliance measures, necessary inspections, and the correction of any circumstance that led to the suspension.
- (H) *Notice.* Upon denial, suspension or revocation of a Mobile Food Service Permit, the City shall give notice to the Operator in writing. There shall be no refund of any fee paid to the City.

9-706 FOOD TRUCK RALLIES.

All Food Truck Rallies on public or private property require a Special Event Permit with the exception of city-sponsored events.

SECTION 2: Legal Status Provisions

- (1) Exercise of Police Power - This entire ordinance shall be deemed and construed to be an exercise of the police power of the City of Fairview, Tennessee, adopted under the authority of the City of Fairview Charter, for the preservation and protection of the public's health, safety, morals, and general welfare, and pursuant to all other powers and authorities for the aforesaid purposes, and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.
- (2) Severability - any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance, which is not of itself invalid or unconstitutional.
- (3) Conflict with Other Ordinance - In case of conflict between this ordinance or any part hereof, and the whole or part of any existing or future Ordinance of the city, the most restrictive provision shall in all cases apply.
- (4) Interpretation - Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter.
- (5) Effective Date - This ordinance shall be effective 15 days after final passage, the public welfare requiring it.

Passed First Reading: October 6, 2022

Public Hearing _____

Passed Second Reading: _____

Published for public notice on:

_____ in _____

APPROVED BY THE BOARD OF COMMISSIONERS:

APPROVED BY THE BOARD OF COMMISSIONERS:

Mayor

ATTESTED:

City Recorder

APPROVED AS TO FORM:

City Attorney

ATTENTION.

Food Truck Operators

Are you aware that your compressed gas cylinders must be inspected?

Cylinders are required to be requalified, or replaced every 5-12 years depending on the cylinder type, condition, and previous requalification method (Ref. 49 CFR §§ 180.205(d) and 180.209).

The original manufacture/test date and any requalification/retest dates must be presented in a specific manner. Cylinders that are overdue for requalification must not be refilled.

If propane tanks are manufactured to ASTM Standards and built into the truck's body making it difficult to remove, then these tanks are exempt from the DOT reinspection requirements.

For more information, contact the Hazmat Info-Center: 1-800-467-4922.



RIN number identifying retester/requalifier

7^{A1}₃₂ 14

Month last requalified Year last requalified

Requalification Date

Volumetric Test.

Basic Marking. Must be requalified within 12 years of stamped date (Must be requalified by 7/2026 in this example)

Proof Pressure Test.

"S" indicates cylinder must be requalified within 7 years of stamped date (Must be requalified by 7/2021 in this example)

External Visual Test.

"E" indicates cylinder must be requalified within 5 years of stamped date (Must be requalified by 7/2019 in this example)



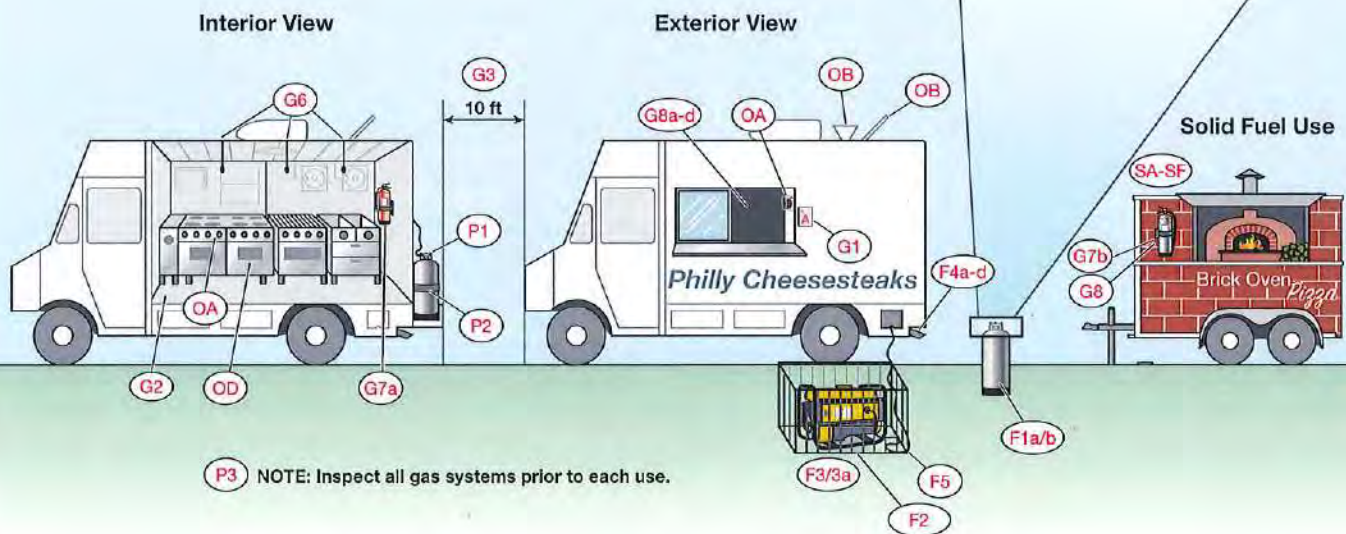
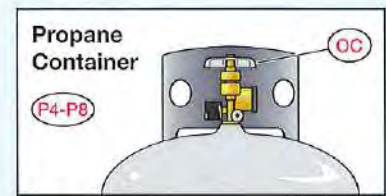
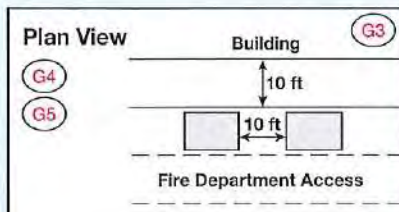
Original Manufacture/ Test Date

If no requalification markings are found, the cylinder must be requalified within 12 years of the original manufacture date. (Must be requalified by 5/2017 in this example)





FOOD TRUCK SAFETY



NFPA code references are provided at the end of each item. The red keys correspond to the NFPA food truck safety diagram. For more detailed information, see NFPA 1 and Chapter 17 in NFPA 96.

General Safety Checklist

- Obtain license or permits from the local authorities. [1:1.12.8(a)] **G1**
- Ensure there is no public seating within the mobile food truck. [1:50.8.3.2] **G2**
- Check that there is a clearance of at least 10 ft away from buildings, structures, vehicles, and any combustible materials. [96:17.2] **G3**
- Verify fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4] **G4**
- Ensure clearance is provided for the fire department to access fire hydrants and access fire department connections. [1:13.1.4; 1:13.1.5] **G5**
- Check that appliances using combustible media are protected by an approved fire extinguishing system. [96:10.1.2] **G6**
- Verify portable fire extinguishers have been selected and installed in kitchen cooking areas in accordance with NFPA 10. [96:10.9] **G7a**
- Where cooking appliances that use solid fuel, such as charcoal or wood, produce grease-laden vapors, make sure the appliances are protected by listed fire-extinguishing equipment. [96:15.7.1] **G7b**
- Ensure that workers are trained in the following: [96:17.10]: **G8**
 - Proper use of portable fire extinguishers and extinguishing systems [96:17.10.1(1)] **G8a**
 - Proper method of shutting off fuel sources [96:17.10.1(2)] **G8b**
 - Proper procedure for notifying the local fire department [96:17.10.1(1)] **G8c**
 - Proper procedure for how to perform simple leak test on gas connections [96:17.10.1(5)] **G8d**

FOOD TRUCK SAFETY *CONTINUED***Fuel & Power Sources Checklist**

- Verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.11.1 for carnivals only] **F1a**
- Ensure that refueling is conducted only during non-operating hours. [96:17.8.3] **F1b**
- Check that any engine-driven source of power is separated from the public by barriers, such as physical guards, fencing, or enclosures. [96:17.5.2.2] **F2**
- Ensure that any engine-driven source of power is shut down prior to refueling from a portable container. [1:10.15.4] **F3**
- Check that surfaces of engine-driven source of power are cool to the touch prior to refueling from a portable container. **F3a**
- Make sure that exhaust from engine-driven source of power complies with the following: **F4**
 - At least 12 ft in all directions from openings and air intakes [96:17.5.2.3(1)] **F4a**
 - At least 12 ft from every means of egress [96:B.13] **F4b**
 - Directed away from all buildings [96:17.5.2.3(2)] **F4c**
 - Directed away from all other cooking vehicles and operations [96:17.5.2.3(3)] **F4d**
- Ensure that all electrical appliances, fixtures, equipment, and wiring complies with the NFPA 70® [96:17.8.1] **F5**

Propane System Integrity Checklist

- Check that the main shutoff valve on all gas containers is readily accessible. [58:6.26.4.1(3)] **P1**
- Ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4] **P2**
- Inspect gas systems prior to each use. [96:17.2.3] **P3**
- Perform leak testing on all new gas connections of the gas system. [58:6.16; 58:6.17] **P4**
- Perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16; 58:6.17] **P5**
- Document leak testing and make documentation available for review by the authorized official. [58:6.26.5.1(M)] **P6**
- Ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)] **P7**
- Where a gas detection system is installed, ensure that it is tested monthly. [96:17.2.2] **P8**

Operational Safety Checklist

- Do not leave cooking equipment unattended while it is still hot. (This is the leading cause of home structure fires and home fire injuries.) **OA**

- Operate cooking equipment only when all windows, service hatches, and ventilation sources are fully opened. [96:12.1.1] **OB**
- Close gas supply piping valves and gas container valves when equipment is not in use. [58:6.26.8.3] **OC**
- Keep cooking equipment, including the cooking ventilation system, clean by regularly removing grease. [96:12.4] **OD**

Solid Fuel Safety Checklist (Where Wood, Charcoal, Or Other Solid Fuel Is Used)

- Fuel is not stored above any heat-producing appliance or vent. [96:15.9.2.2] **SA**
- Fuel is not stored closer than 3 ft to any cooking appliance. [96:15.9.2.2] **SB**
- Fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:15.9.2.7] **SC**
- Fuel is not stored in the path of the ash removal or near removed ashes. [96:15.9.2.4] **SD**
- Ash, cinders, and other fire debris should be removed from the firebox at regular intervals and at least once a day. [96:15.9.3.6.1] **SE**
- Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal container. [96:15.9.3.8.1] **SF**

Learn More

- ▶ Get free digital access to NFPA codes and standards at: nfpa.org/docinfo
- ▶ Read the latest news and updates at: nfpa.org/foodtrucksafety
- ▶ Review the following and other NFPA resources at: nfpa.org
 - NFPA 1, *Fire Code*, 2021 Edition
 - *NFPA 1 Fire Code Handbook*, 2021 Edition
 - NFPA 10, *Standard for Portable Fire Extinguishers*, 2018 Edition
 - NFPA 58, *Liquefied Petroleum Gas Code*, 2020 Edition
 - *LP-Gas Code Handbook*, 2020 Edition
 - NFPA 70®, *National Electrical Code*®, 2020 Edition
 - *National Electrical Code*® *Handbook*, 2020 Edition
 - NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2021 Edition
 - NFPA 96: *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations Handbook*, 2017 Edition



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NOTE: This information is provided to help advance safety of mobile and temporary cooking operations. It is not intended to be a comprehensive list of requirements for mobile and temporary cooking operations. Check with the local jurisdiction for specific requirements. This safety sheet does not represent the official position of the NFPA or its Technical Committees. The NFPA disclaims liability for any personal injury, property, or other damages of any nature whatsoever resulting from the use of this information. For more information, go to nfpa.org/foodtrucksafety.

City Fairview Ordinance 2022-28 Proposed Revisions

Additions:

Section 9-703 (f): "Food trucks may be parked on privately owned property more than four (4) days per week only if the parking or storage location is the food truck's commissary or the owner's or operator's primary residence"

Amendments:

Delete the requirements in Section 9-703(c), as written, and reserve the Section blank.

Amend Section 9-705(C) to read as follows: "Issuance. A Mobile Food Service Permit shall be issued based on an approval from a full review of the application required by this section and upon payment of the permit fee. Permits shall be issued for the calendar year in which they are issued or for the following calendar year and this permit fee shall be \$250. The permit fee for permits issued between October 1 and December 31 that are set to expire on December 31 of the issuance year shall be \$125."

CITY OF FAIRVIEW, TENNESSEE
ORDINANCE No. 2022-29



AN ORDINANCE TO AMEND TITLE 8, CHAPTER 2, SECTION 8-211 OF FAIRVIEW MUNICIPAL CODE TO INCLUDE SECTION 8-211(A) REGARDING PERMITTING OF BEER SALES FROM FOOD TRUCKS.

WHEREAS, Title 9, Chapter 7, Section 9-701 of the City of Fairview Municipal Code regulates the permitting and operational requirements of food trucks within the corporate limits of the City of Fairview; and

WHEREAS, Title 8, Chapter 2, Section 8-210 specifies the “applications of retail permits; requirements as to applicants; regulations to be followed and shown on the application” regarding retail beer permits within the corporate limits of the City of Fairview; and

WHEREAS, for the issuance of beer permits to food trucks Title 8, Chapter 2, Section 8-210 of the City of Fairview Municipal Code must be amended to include language regarding the issuance of beer permits to food trucks, as defined in Title 9, Chapter 7, Section 9-701, of the City of Fairview Municipal Code; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE, THAT THE CITY OF FAIRVIEW MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:

Title 8, Chapter 2, Section 8-210(A) entitled “Food Truck Beer Permits” is hereby created.

AND BE IT FURTHER ORDAINED, that Title 8, Chapter 2, Section 8-210(A) entitled “Food Truck Beer Permits” shall read as follows:

“It shall be lawful for the city’s board of commissioners or the city’s designated beer board, if applicable, to issue permits for the sale of any beverage coming within the provisions of this chapter to food trucks as defined in Title 9, Chapter 7, Section 9-701 of the City of Fairview Municipal Code, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all of the limitations and restrictions contained in the permit provided by this Chapter and by the food truck permit provided by Title 9, Chapter 7, Section 9-701.”

Passed 1st Reading: October 6, 2022

Public Hearing: _____

Passed 2nd Reading: _____

Mayor

ATTESTED:

City Clerk

APPROVED AS TO FORM:

City Attorney