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An ordinance amending Chapter 13.08 of the Metropolitan Code of Laws to authorize the Nashville Department of Transportation and Multimodal Infrastructure to establish, administer and enforce, and the Traffic and Parking Commission to regulate, a permitting program to regulate food, beverage, and merchandise vending from trucks or other motor vehicles within the public right-of-way.

WHEREAS, in or around 2012, the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") implemented a mobile food vendor pilot permit program, wherein NDOT issued a temporary permit to mobile food vendors who wished to sell food and beverages from a licensed vehicle capable of movement, or from a licensed trailer pulled behind a motor vehicle, inside or outside of the right-of-way, for two specified zones, the downtown core and outside the downtown core; and,

WHEREAS, this pilot program is still in existence but is not codified; and,

WHEREAS, from observation of this pilot program, it appears that there exists an appetite for food trucks in Nashville, including within the public rights-of-way; and,

WHEREAS, it also appears that there are vendors who desire to operate and park trucks, or other motor vehicles, and sell merchandise other than food and beverages from said trucks or other motor vehicles, within the public rights-of-way; and,

WHEREAS, due to this increase of and desire for food trucks and other merchandise-vending trucks, it would be advisable to establish a permanent regulatory scheme to regulate the sale of food, beverages, and merchandise from trucks and other motor vehicles ("Truck Vending"), within Metro's public rights-of-way, so as to improve the coordination, safety, compliance, and convenience of Truck Vending for vendors and citizens alike; and,

WHEREAS, NDOT is authorized in the Metro Charter to administer and enforce permits and licenses for parking within the public right-of-way; and,

WHEREAS, the Traffic and Parking Commission is authorized in the Metro Charter to adopt traffic regulations for the purpose of making the roads, streets and other public ways safe for pedestrians, motorists and others, and for the purpose of facilitating the flow of traffic thereon; and,

WHEREAS, to the extent food and merchandise truck vendors wish to operate and park their vending trucks within the public rights-of-way, in order to vend therefrom, this affects both safety and flow of traffic in the public rights-of-way; and,

WHEREAS, in addition to NDOT and the Traffic and Parking Commission, Truck Vending also implicates the regulatory authority of multiple other Metro departments, including but not limited to (depending on what is being sold from the truck), the Health Department, the Fire Marshal, the Codes Department, Water Services, the Planning Department, and the County Clerk's office; and,

WHEREAS, to streamline Truck Vending regulation in Nashville, the Metropolitan Government desires for NDOT to establish a permanent Truck Vending permit program, wherein NDOT is the single Metro department that oversees and issues Truck Vending permits for vending in the public rights-of-way; and,

WHEREAS, the Metropolitan Government also wishes for the other various Metro departments that share

regulatory authority over Truck Vending to be authorized to review and approve any Truck Vending permit applications for vending within the public rights-of-way, in Cityworks, or other applicable method, prior to NDOT issuing any Truck Vending permits; and,

WHEREAS, the Truck Vending permit for vending within the public rights-of-way will be issued by NDOT only after applicants submit a complete application and receive approval from NDOT and the other various Metro departments that share regulatory authority over Truck Vending; and,

WHEREAS, NDOT wishes for any Truck Vending permit for vending within the public rights-of-way to only be valid for one year but also eligible for renewal on an annual basis; and,

WHEREAS, the Metropolitan Government also desires to authorize the Traffic and Parking Commission to promulgate rules and regulations to govern this Truck Vending permit program for truck vending within the public rights-of-way; and,

WHEREAS, the Metropolitan Government wishes for NDOT Parking Enforcement to be tasked with monitoring and enforcing the rules and regulations that govern Truck Vending within the public rights-of-way; and,

WHEREAS, the Traffic and Parking Commission voted to recommend this ordinance to the Metropolitan Council during its meeting on May 13, 2024; and,

WHEREAS, it is in the best interest of the Metropolitan Government and the citizens of Davidson County that this ordinance be approved.

NOW, THEREFORE BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Chapter 13.08 of the Metropolitan Code is hereby amended to add the following subsections:

13.08.100. Truck Vending Permit Program Established.

(a) Notwithstanding all other provisions within the Metropolitan Code to the contrary, the Metropolitan Department of Transportation and Multimodal Infrastructure (“NDOT”) is hereby authorized to administer and enforce a Truck Vending permit program to allow vendors to operate, park, and sell food, beverages, and other merchandise, from trucks or other motor vehicles, within the Metropolitan Government’s public rights-of-way (“Truck Vending permit program”).

(b) Notwithstanding all other provisions within the Metropolitan Code to the contrary, the Traffic and Parking Commission is hereby authorized to establish rules and regulations to govern the Truck Vending permit program.

(c) Any party vending from a motor vehicle within the Metropolitan Government’s public rights-of-way, who does not have in place a current Truck Vending permit from NDOT, shall be deemed to have committed a violation of the Metropolitan Code and shall be subject to all applicable penalties provided for violations of the Metropolitan Code.

(d) This subsection shall not apply to truck vendors who operate outside of the public right-of-way.

Section 2. That this ordinance shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance would authorize the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") to establish a truck vending permit program that would allow vendors to operate, park, and sell food, beverages, and other merchandise within the public right of way owned by the Metropolitan Government ("Metro"). The ordinance also authorizes the Traffic and Parking Commission to establish rules and regulations to govern the truck vending permit program.

This legislation codifies a pilot program first established by NDOT in 2012 where the department issued temporary permits to mobile food vendors who wished to sell food or beverages from a vehicle capable of movement or a licensed trailer behind a motor vehicle. The pilot program remains in place, and the increase for trucks selling food and merchandise led to a desire for a permanent regulatory scheme.

The ordinance under consideration would authorize NDOT to oversee and issue truck vending permits to allow vendors to operate, park, and sell food, beverages, and other merchandise, from trucks or other motor vehicles within Metro's public rights-of-way. The Traffic and Parking Commission would be authorized to establish rules and regulatiosn to govern the truck vending permit program. Vendors without a permit would be subject to all applicable penalties for violations of the Metro Code.

According to the recitals of the resolution, NDOT's truck vending program would allow for permits to be issued for no more than one year, and would be eligible for annual renewal. Other Metro departments, including the Health Department, the Fire Marshal, the Codes Department, Water Services, the Planning Department, and the County Clerk's office, would assist in the review and approval of truck vending permit application prior to their issuance. NDOT Parking Enforcement would be tasked with enforcing the codes and any rules and regulations.

The Traffic and Parking Commission voted to recommend this ordinance to the Metropolitan Council during its May 13 meeting.