



INSTITUTE FOR JUSTICE  
FLORIDA

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**Via Email and USPS**

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*Re: Nashville's Proposed Food Truck Ordinance*

To the Nashville Town Council:

Hello, we are Justin Pearson and Riley Grace Borden, two attorneys at the Institute for Justice (IJ). We are writing today to express IJ's concerns about the Nashville Town Council's proposed Ordinance 2026-07, which highly restricts food trucks, as well as the council's troubling discussion during its May 21 public meeting indicating that it believes the proposed ordinance might be needed to protect brick-and-mortar restaurants from competition.

IJ is a national public-interest, civil liberties law firm that advocates in courts, state houses, and city councils to protect the right to earn an honest living. IJ has sued numerous jurisdictions whose laws have impermissibly restricted vendors' right to economic liberty as guaranteed by the U.S. Constitution and the respective state constitutions. IJ also has a long history of working with state and local officials to craft vending laws that ensure the public's health and safety while maximizing opportunities for vendors and consumers alike.

The restrictions discussed by the council and included in Ordinance 2026-07 would suffer from two major defects: First, they would be bad policy. Second, they would likely be unconstitutional.

First, the statements made on the record that restrictions might be needed to "protect" restaurants from competition were incorrect as a matter of policy. Contrary to some councilmembers' mistaken beliefs, food trucks do not hurt restaurants. In fact, [a 2022 study](#), conducted by IJ, found that "more food trucks today do *not* lead to fewer restaurants tomorrow." Instead, "far from harming the restaurant industry, food trucks can complement it. Growth in the number of food trucks goes hand in hand with growth

in the number of restaurants.”<sup>1</sup> Among other reasons, this is because food trucks tend to attract customers from outside of an area to visit the area, the effects of which benefit the entire area, including the restaurants.

Banning food trucks could also harm public safety, an [explicit concern](#) stated by your council’s President Wilson. [Another IJ study](#), published in 2012, found that the presence of food trucks “can help prevent crime and revitalize underused public spaces.” In other words, removing these “eyes on the street” from an area not only makes the area less prosperous but less safe too.

The final policy concern is the potential conflict of interest of one of your own council members, Lance Miller, who owns a brick-and-mortar bed-and-breakfast, the Bird’s Nest Cafe. One of your constituents briefly mentioned this conflict during your May 21 meeting, and another [mentioned](#) it almost a year ago. Yet, Councilmember Miller has continued to take an active role in the proceedings.

Rather than being led astray by misguided and self-serving notions, we ask you to do what is best for your constituents as a whole, and that includes welcoming food trucks with open arms. Over the years, you have repeatedly heard from residents who want more dining options—more restaurants *and* more food trucks. Yet, proposed Ordinance 2026-07 would have the opposite effect.

Second, not only are these restrictions bad policy, but they would raise a host of constitutional concerns. Both the United States Supreme Court and the Indiana Supreme Court have held that this type of economic protectionism violates the U.S. and Indiana Constitutions, respectively. *See Metro. Life Ins. Co. v. Ward*, 470 U.S. 869, 877–83 (1985); *Members of the Med. Licensing Bd. of Ind. v. Planned Parenthood Great Nw., Haw., Alaska, Ind., Ky., Inc.*, 211 N.E.3d 957, 969 (Ind. 2023) (explaining that the Indiana Constitution protects the right to “pursu[e] a vocation that does not harm others”); *Paul Stieler Enters., Inc. v. City of Evansville*, 2 N.E.3d 1269, 1276 (Ind. 2014) (holding that economic impact is not a constitutionally legitimate basis for disparate treatment of businesses). Put simply, under both constitutions, it is not the government’s job to pick winners and losers in the marketplace. That choice belongs to consumers.

Rather than restrict food trucks, the city should be encouraging food trucks, and the Institute for Justice calls on you to do so. While considering this request, please remember, as you have heard from both your own outspoken community members and us, that a vibrant food truck industry benefits everyone. Food trucks put people to work, create opportunities for self-sufficiency, and enrich the communities in which they

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<sup>1</sup> *See also* Carpenter, D. M., II, & Sweetland, K. (2025). Does the growth of food trucks threaten the sustainability of restaurants? Evidence from a nationwide analysis of U.S. businesses. *Journal of Foodservice Business Research*, 28(3), 650–671. <https://doi.org/10.1080/15378020.2023.2275514>

operate. Moreover, the presence of food trucks boosts local businesses—including restaurants.

The Institute for Justice stands ready to help you revise your ordinance to improve public safety, increase consumer choice, and expand economic opportunity. Please feel free to contact us if you have questions or would like to discuss IJ's model [legislation](#). In addition to the telephone number listed on this letterhead, you are welcome to email us at [jpearson@ij.org](mailto:jpearson@ij.org) and [rgborden@ij.org](mailto:rgborden@ij.org). Together, we can work to ensure that all the city's entrepreneurs are allowed the opportunity to thrive and succeed. Thank you.

Sincerely,



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INSTITUTE FOR JUSTICE



Justin Pearson  
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