

**ORDINANCE NO. 7342**

**AN ORDINANCE TO AMEND TITLE SIX, CHAPTER FIVE, BY ADDING SECTIONS 9 THROUGH 15, TO DEFINE FOOD TRUCKS, TO PROVIDE REGULATIONS FOR ISSUING BUSINESS TAX CERTIFICATE, TO PROVIDE FOR INSPECTION OF THE VEIDCHLE BY THE AUGUSTA FIRE DEPARTMENT, TO REPEAL A L CODE SECTIONS AND ORDINANCES AND PARTS OF CODE SECTIONS AND ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

WHEREAS, the proposed amendment to the Augusta Code will allow the operation of Food Trucks on commercially zoned private property with permission of the property owner.

**THE AUGUSTA, GEORGIA COMMISSION** hereby ordains as follows:

SECTION 1. TITLE 6, CHAPTER 5, is hereby amended by adding Sections 9 through Section 15 as set forth in "Exhibit A" hereto.

SECTION 2. This ordinance shall become effective upon its adoption in accordance with applicable laws.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this 1<sup>st</sup> day of May, 2012

  
\_\_\_\_\_  
David S. Copenhaver  
As its Mayor

  
\_\_\_\_\_  
Anna J. Bonner, Clerk of Commission

Seal:

## **Article 3**

### **Food Trucks**

#### **§ 6-5-9. Defined.**

Food Truck means a licensed, readily movable motorized wheeled vehicle or trailer, which is temporarily stored on a premise where food items are sold to the general public. Included in the definition are vehicles & equipment defined as "Mobile Food Service Unit" and/or Extended Food Service Unit contained and amended in rules of Department of Human Resources Public Health Chapter 290-5-14 Food Service.

#### **§ 6-5-10. Business Tax Certificate Required.**

- a) The Food Truck vendor must obtain an annual Business Tax Certificate. During the Food Truck's hours of operation, the vendor shall display the current Business Tax Certificate (business license) and Richmond County Health Department issued Georgia Department of Public Health Mobile Food Service Permit and must have in the truck written authorization from the property owner for food vending.
- b) Prior to a Business License being issued the Food Truck vendor shall be approved by the Richmond County Health Department or the Georgia Department of Agriculture if selling commercially packaged food.
- c) The Augusta Fire Department will inspect for compliance with the NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations 2004 Edition prior to a Business License being issued.
- d) The Planning and Development Department will provide a decal annually to the food trucks with a current business license. The decal shall be prominently displayed on the food truck approved by the Department of Health and the Fire Department.

#### **§ 6-5-11. Location Requirements**

Location: Food Trucks shall locate on privately owned lots zoned B-1, B-2, LI, or HI with all-weather surface (or gravel) parking areas, accessible by emergency vehicles, and having at least ten (10) legally designated parking spaces, subject to the approval of the property owner and subject to the following;

- a) the Food Truck shall be positioned at least SO (fifty) feet from the customer entrance of an existing restaurant during its hours of operation;
- b) the Food Truck shall be positioned on designated parking spaces and shall not block drive aisles, other access to loading/service areas, or emergency access and fire lanes;
- c) no Food Truck shall be located within a building setback or landscape buffer;
- d) the Food Truck must be positioned at least 15' away from fire hydrants, driveway entrances, alleys, handicapped parking spaces, tree trunks, and vegetation;
- e) Food Trucks shall not be located within 100 feet of gas pumps, underground gas storage tanks and vent pipes;
- f) Food Trucks may not be located in any portion of a parking lot when and where such location would prevent the use of parking spaces during the regular hours of operation of the primary business on the lot, or otherwise interfere in a significant way with the movement of motor vehicles;
- g) cooking off the vehicle with a grill is prohibited;
- h) no seating shall be provided; high-top tables are allowed.
- i) permitted tents, and vehicle mounted roll-out awnings are allowed, and;
- j) vehicle must vacate premises and return to base of operation daily.

§ 6-5-12. Safety and Utilities:

- a) Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the Building Code.
- b) Grease is to be disposed of in recyclable grease container at an existing restaurant or commissary (not in dumpsters or storm drains).
- c) Grey water to be disposed of in the sanitary sewer at an existing restaurant or commissary (no open dumping or into storm drains) per Augusta Utility Department regulations.
- d) Food Trucks must comply with Augusta Fire Department regulations found in NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations 2004 Edition. General requirements under NFPA 96 section 4.1.1 stipulate that cooking equipment used in processes producing smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of this standard. Cooking equipment that produces grease-laden vapors and that might be a source of ignition of grease in the hood, grease removal device, or duct shall be protected by fire-extinguishing equipment. The Augusta Fire Department will inspect for compliance before a Business License will be issued.

§ 6-5-13. Nuisance Prevention:

- a) The Food Truck vendor shall not operate the Food Truck as a drive-in window.
- b) The noise level from the Food Truck motor and generator must comply with the Noise Ordinance.
- c) A trash receptacle shall be provided for customers. The Food Truck vendor and property owner shall be responsible for daily cleanup and proper disposal of litter.
- d) If the Food Truck is proposed to operate after dark, the Food Truck vendor shall provide a lighting plan which includes use of shielded fixtures and shall not include spotlights. No source of illumination shall be directly visible from any public right-of-way, from any residential district, or from adjacent properties, and shall be designed and installed in a manner that minimizes upward light pollution. A combination of shielding, screening and directing the lighting away from areas beyond the vehicle sign, together with the use of landscaping, if available, to soften the impact of reflected light, shall be used.
- e) No signage shall be allowed other than:
  - signs permanently attached to the motor vehicle; and
  - a portable menu sign no more than 6 square feet in display area may be placed on the ground in the customer waiting area.

§ 6-5-14. Supplemental Use Regulations:

- a) Food truck vendors shall comply with all local, county and state retail sales tax regulations.
- b) These location requirements shall not apply in any respect to food vending at any Augusta-Richmond County sanctioned festival, arts and crafts exhibits or other similar sanctioned events.

§ 6-5-15. Penalty for violation of article.

All persons, firms or corporations failing to comply with the mandatory provisions of this article or doing any act prohibited in this article shall be guilty of an offense, and, upon trial as a misdemeanor and conviction, shall be punished as provided in section 1-6-1 of this Code.