ARTICLE X. MOBILE FOOD VENDORS

Sec. 12-401. Purpose.

The general purpose of this article is to promote the health, safety, and general welfare of the citizens of Stone Mountain, Georgia, by requiring that new and existing mobile and temporary food establishments provide residents and customers with a consistent level of cleanliness, quality and safety.

It is also the intent of this article to establish reasonable guidelines and restrictions for mobile and temporary food establishments in relationship to established restaurant businesses and ensure the safe and convenient use of the public rights-of-way.

Sec. 12-402. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Base of operation shall mean a fixed location with a food service permit from which a mobile food service unit operates.

City shall mean the City of Stone Mountain, Georgia.

Department of Agriculture shall mean the Georgia Department of Agriculture.

Department of Public Health shall mean the DeKalb County Department of Public Health, or the appropriate county health agency of any other county in Georgia.

Mobile food service unit shall mean an independent trailer, food truck, movable portable structure, pushcart, temporary food establishment, vehicle vendor or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale or service. For the purpose of licensing, mobile food vendors shall be defined as one of the following:

(1) Food truck vendor shall mean a retail food establishment that reports to and operates from a base of operation and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

(2) Pushcart shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.

(3) Temporary food establishment shall mean a retail food establishment, other than a licensed food truck vendor or pushcart, that is not intended to be permanent and that operates at a fixed location in conjunction with a single event or celebration.

Vending site shall mean a location at which a mobile food service unit is permitted to offer food for sale. Vending site shall not refer to the base of operation or place at which the mobile food vendor unit is approved to be stored when not in use.

Sec. 12-403. License required.

(a) It shall be unlawful for any person or business to sell, or offer for sale, food of any type from a mobile food service unit without a license first having been granted under this section, except when a permit is not required in accordance with the rules and regulations of the department of public health or as otherwise set forth in this Article.

(b) The license requirements herein may be waived by the city for an event hosted by the city, or a special event hosted by a non-profit. Any permits that are required by the department of public health or the department of agriculture will still be required. Insurance requirements as set forth herein shall still be met.

(c) An application for a license hereunder shall be submitted to the city setting forth all information required hereunder and in compliance with this article. The city shall develop a form of application for the purpose of compliance with this article. The city shall process filed applications within seven (7) days following the city's receipt of all required information from the applicant.

(d) When applicable, the following information shall be provided with each application for a mobile food service unit license:

(1) Name of the mobile food service unit;

(2) Type, make, model, and license plate number of mobile food service unit;

(3) Owner's contact information;

(4) Operator's contact information;

(5) Copy of approved permit from the department of public health;

(6) Copy of approved permit from department of agriculture (if applicable);

(7) ~~List of proposed operating locations and times the mobile food service unit will be in operation;~~ Copy of business license/occupation tax certificate issued by the City of Stone Mountain or any other political jurisdiction within the State of Georgia;

(8) Signature from private property owner indicating consent for the use of its property;

(9) Signature from business operator indicating consent for the use of its restroom facilities; and

(10) Signature of applicant indicating agreement to comply with the requirements listed in this article.

(11) A signed and notarized hold harmless and release and indemnity agreement whereby the City shall have no liability associated with the operation of the mobile food service unit.

(e) All mobile food service units shall be subject to inspection at the time of application and at least annually which shall include but not be limited to an inspection by the fire marshal, or his/her designee, to verify compliance with all applicable state minimum fire safety standards and any other applicable state or local law, rule or regulation. No permit shall be granted hereunder to a mobile food service unit which does not or cannot pass such inspections. Inspection certificates from any political jurisdiction within the State of Georgia will be accepted, so long as the certificate was issued within 365 days of the date of the application.

Sec. 12-404. Prohibited conduct and requirements.

(a) The mobile food service unit shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health organization or other governmental organization having jurisdiction over this subject matter.

(b) The license under which the mobile food service unit is operating must be firmly attached and visible on the mobile food service unit or structure at all times.

(c) Mobile food service unit licenses issued under this article shall not allow for alcohol sales.

(d) Mobile food vending shall only be conducted from the mobile food service unit or structure and customer seating shall not be provided by the mobile food service unit operator.

(e) A mobile food service unit shall maintain ~~a one-million-dollar ($1,000,000.00)~~ at least two hundred fifty thousand dollar ($250,000) liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the mobile food service unit, the public

and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. When the mobile food service is provided in conjunction with a city-approved or city-co-sponsored event, or when the mobile food service will be provided on property owned by the city, s~~S~~uch insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advanced written notice to the city.

(f) Food truck vendors shall not make sounds or announcements to call attention to the mobile food service unit either while traveling on the public rights-of-way or when stationary. At all times mobile food service units shall comply with the city's noise control ordinance (City Code, Chapter 15).

(g) Except as may be allowed as part of a city-approved special event, mobile food service units shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(h) Food truck vendors:

(1) Any driver of a food truck vendor motorized vehicle must possess a valid driver's license.

(2) Except as otherwise allowed and described within this article, a food truck vendor must operate from a motorized, wheeled vehicle that may lawfully be driven upon streets and roadways within the state or from a towed wheeled vehicle designed and equipped to serve food.

(i) Vending sites:

(1) Except in participation with a city-approved special event or private event not open to the public, mobile food service units shall only operate in the following areas ~~approved by resolution of the city council.~~:

NEED TO IDENTIFY WHERE FOOD TRUCKS WILL BE ALLOWED. EXAMPLES:

a. Within residential districts, mobile food vending is limited to vehicles dispensing ice cream/small frozen dessert products.

b. Within the Entertainment District?

(2) A mobile food service unit shall not operate on any private property without the written consent of the owner, a copy of which shall be maintained in the mobile food service unit or structure.

(3) Mobile food service units must be placed or staged within two hundred (200) feet of a working restroom and have a written restroom agreement from the business that allows the mobile food service operator and its employees to have access at all times while the mobile food service unit is staged at such vending site.

(4) Mobile food service units shall not be located within fifteen (15) feet of any street intersection or pedestrian crosswalk or within ten (10) feet of any driveway. No mobile food vending is permitted within 300 feet of any school.

(5) Except as may be allowed as part of a city-approved special event, no food truck vendor shall conduct business or operate in the public right-of-way or on property owned by the city.

(6) Except as may be allowed as part of a city-approved special event, mobile food service units are permitted on a given property no more than ~~two (2)~~ five (5) consecutive days and no more than ten (10) days in any calendar month. ~~A minimum of two (2) calendar days must transpire between operating periods on any given property.~~

(7) Except as may be allowed as part of a city-approved special event, operating a mobile food service unit may occupy no more than ten (10) percent of the designated parking spaces on a given property, and

at no time shall the operation of a mobile food service unit reduce the number of parking spaces on a property below the minimum required by city code or ordinance.

(8) The placement or staging of a mobile food service unit shall not impede the flow of traffic, be placed in the right-of-way, or cause any potential safety hazards to pedestrians or vehicles.

(9) Except as may be allowed as part of a city-approved special event, mobile food service units shall not be located within one hundred (100) feet of the nearest corner of any existing food service establishment during its hours of operation without prior written permission from the food service establishment, a copy of which shall be maintained in the mobile food service unit or structure.

~~(10) Mobile food service units shall not be located within one hundred (100) feet of any city-sponsored or sanctioned special event, unless the mobile food service unit is licensed by the City to operate at such an event.~~

(j) No sale or offer for sale shall be made by any mobile food service unit between the hours of 11:00 p.m. and 6:30 a.m., unless specifically authorized by the city.

(k) Mobile food service may occur on private property without a city-issued mobile food service license, provided that:

(1) the property is located in an area approved by the city as set forth in this article;

(2) the property belongs to an existing business holding a Stone Mountain business license;

(3) prior to commencement of the mobile food service, written confirmation is submitted to the City that the existing business owner has agreed to allow the mobile food service on the private property and that the business takes full responsibility for mobile food service;

(4) prior to commencement of the mobile food service, proper inspection certificates and proof of insurance are submitted to the city; and

(5) all other requirements of this Article are met.

Sec. 12-405. Indemnity.

As part of the ~~permitt~~licensing process set forth herein, any person or entity receiving a ~~permit~~ license set forth herein shall execute an indemnity agreement indemnifying and releasing the city, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

Sec. 12-406. Revocation and suspension.

The city shall have the right to revoke or suspend any license granted hereunder and to require the removal of the mobile food service unit if the mobile food service unit is found to be in violation of this article, or any other city ordinance or regulation, any other applicable state law, rule or regulation, or if the mobile food service unit is found to be creating a danger to public health. The revocation or suspension may be made by the City Manager or his/her designee, or an officer of the Police Department or Code Enforcement.

Sec. 12-407. Fee.

The fee for every application for license under this article shall be set by resolution of the city council.

Secs. 12-408—12-500. Reserved.