

ORDINANCE #2020-002

AN ORDINANCE TO ALLOW FOR THE LICENSING AND REGULATION OF "FOOD TRUCKS" OPERATING WITHIN THE CITY LIMITS.

WHEREAS, in the interest of the public health, safety, and welfare, the Patterson City Council exercises limited discretion in evaluating the proposed operation of a "food truck", or the like, which requires a license in accordance with the provisions contained herein,

NOW THEREFORE, the City Council of Patterson hereby ordains:

SECTION 1: Definitions

- a) *Food* means a raw, cooked, or processed edible substance, ice cream, ice, beverage, or ingredient used or intended for use or for sale in whole or in part, for human consumption.
- b) *Food truck* means a licensed, mobile vehicle or trailer, which is temporarily situated on a premise where food items are sold to the general public. Included in the definition are vehicles and equipment defined as "mobile food service unit" and/or "extended food service unit" contained and amended in Rules of Department of Public Health, Ga. Comp. R. and Regs. 511-6-1-.01 and 511-6-1-.08.
- c) *Food truck vendor* means a person, corporation, LLC, or other entity owning or operating any *food truck*.

SECTION 2: Food truck vendor requirements

- a) Prior to locating, establishing, or operating a food truck within the City limits, a food truck vendor shall first submit the same for inspection and be approved by the county health department or by the state health department or other governmental agency regulating the same. Before a license shall be granted, the food truck vendor shall provide satisfactory proof to the City Clerk of the completion of such inspection and approval by the relevant governmental agency.
- b) Prior to locating, establishing, or operating a food truck within the City limits, a food truck vendor must obtain an annual city business tax. During the food truck's hours of operation, the vendor shall at all times display a current business tax certificate. The food truck vendor shall renew any business tax certificate. Prior to the issuance of a business tax certificate, the food truck vendor shall make available the food truck, in its operable condition, for inspection by the city building and codes department and the city fire department. In order to obtain the business tax certificate, the food truck vendor shall provide proof that the truck has been inspected by the city building and codes department and the city fire department and that the truck is in compliance with the National Fire Protection Association and state fire codes.

- c) The food truck vendor shall obtain and display the county health department-issued and/or state department of public health-issued mobile food service permit at all times during its hours of operations. The food truck vendor shall provide a copy of the mobile food service permit to the City Clerk prior to obtaining a business tax certificate.
- d) Prior to locating, establishing, or operating a food truck within the City limits, the food truck vendor shall obtain prior, written authorization from the property owner of the property upon which the food truck shall be situated or located. Such written authorization must be provided to the City Clerk and maintained and accessible in the truck at all times during the hours of operations.
- e) As a condition for the right to operate within the City limits, food truck vendors shall comply with all city, county, and state retail sales tax regulations.
- f) A food truck vendor's failure to abide by the conditions and requirements set forth under this Article shall result in the license granted by the City being forfeited and suspended until such time as the food truck vendor shall be in full compliance with all applicable conditions and requirements.

SECTION 3: Location and Operation requirements

- (a) Food trucks shall only be allowed to locate on privately owned lots with all-weather surface (or gravel) parking areas, accessible by emergency vehicles, and having adequate legally designated off-street parking spaces, subject to the approval of the property owner and subject to the following:
 - (1) Written notice to the City Clerk and county health department seven (7) days prior to operations begin. Such notice shall state the expected dates of operation and shall specify the physical location of operations.
 - (2) The food truck shall be positioned at least 50 yards from the customer entrance of any existing restaurant during the food truck's hours of operation;
 - (3) No food truck shall be operated within 600 feet of any public school in the city limits between the hours of 7:30 a.m. and 3:30 p.m. on days in which schools are actually in session;
 - (4) 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;
 - (5) No food truck shall be located within a building setback or landscape buffer;
 - (6) The food truck must be positioned at least 15 feet away from fire hydrants, driveway entrances, alleys, handicapped parking spaces, tree trunks, and vegetation;
 - (7) Food trucks shall not be located within 100 feet of gas pumps, underground gas storage tanks, and vent pipes;

- (8) 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 manner with the movement of motor vehicles, unless prior permission to use the parking spots has been provided by the property owner;
 - (9) No seating shall be provided;
 - (10) Vehicle-mounted roll-out awnings are allowed; and
 - (11) Vehicle must vacate premises by 10:00 p.m. and return to base of operation daily.
- (b) Food trucks selling ice cream, shaved-ice products, or other similar treats shall be allowed in residential zoning districts subject to the following:
- (1) All traffic laws must be observed and obeyed;
 - (2) Such food trucks cannot block traffic or create traffic congestion;
 - (3) Such food trucks can operate only between the hours of 9:00 a.m. and 7:00 p.m. (8:00 PM during day-light savings time) on Monday through Saturday, and none can operate in residential zoning districts at any time on Sunday;
 - (4) The noise level from such food trucks or any sound equipment attracting, or designed to attract, customers must comply with the noise ordinance and must not create a nuisance.

SECTION 4: Hours of operation

No food truck shall be located in public spaces between the hours of 12:00 a.m. and 5:00 a.m.

SECTION 5: 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 or at any residence or other property). A written agreement with an existing restaurant or commissary relating to such disposal must be submitted to the city building and codes department prior to obtaining a business tax certificate.
- (c) Grey water to be disposed of in the sanitary sewer at an existing restaurant or commissary (no open dumping or into storm drains or any location that does not have an approved grease interceptor) pursuant to city engineering department regulations. A written agreement with an existing restaurant or commissary relating to such

disposal must be submitted to the city building and codes department prior to obtaining a business tax certificate.

- (d) Food trucks must comply with the city fire department mobile food vendor fire safety specifications and practices. The city fire department will inspect for compliance before a business license will be issued.

SECTION 6: 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 or any other source must comply with the noise ordinance.
- (c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily or between the hours of 9:30 a.m. and 12:00 noon on Sundays. Furthermore, such equipment shall not be operated within one block of a church, or within one block of an existing restaurant, between the hours of 7:00 a.m. and 9:00 p.m. on Sundays.
- (d) A covered 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.
- (e) 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. Illumination 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.
- (f) No signage shall be allowed other than:
 - (1) Signs permanently attached to the motor vehicle; or
 - (2) A portable, non-internally illuminated menu sign no more than six square feet in display area and no more than four feet in height that is placed on the ground in the customer waiting area.

SECTION 7: Supplemental use regulations for public property or certain city-owned facilities.

- (a) Food truck vendors may apply to operate in city parks and other city property by submitting a request to the city clerk's office. Any request must include proof that the regulations set forth in this article have been met. The mayor, or his designee, shall review each application and approve or reject the same.
- (b) A food truck vendor may operate in city parks and other city property, subject to such terms and conditions as the said city designee may from time to time promulgate

in writing, which may include terms as to insurance, clean-up fees, deposits, security personnel, limits on the number of guests and other matters as said city designee may require.

- (c) This section shall only serve to allow the operation of a food truck on public property under the specific circumstances set forth herein.

SECTION 8: 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 conviction, shall be punished as provided under Section _____ of this Code.

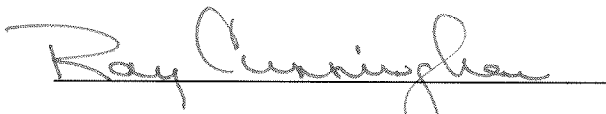
SECTION 9: Effective Date.

This Ordinance shall become effective on the date of its approval at the second reading by the City Council.

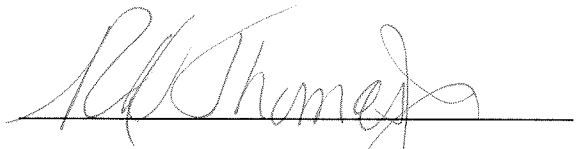
Adopted this 12 day of Nov, 2020, by the affirmative vote of a majority of the councilmembers present at an official meeting of the Council of the City of Patterson.

ATTEST:

CITY OF PATTERSON



Ray Cunningham, City Clerk



R. D. Thomas, Jr., Mayor

Date of 1st Reading: Sept. 10, 2020

Date of 2nd Reading and Approval: Nov. 12, 2020



Jake Echols



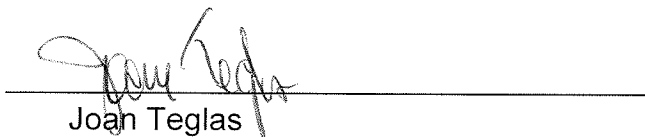
Teresa Leggett



Chris Mock



David Smith



Joan Teglas

