

**CITY OF RICHMOND HILL
STATE OF GEORGIA**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF RICHMOND HILL, GEORGIA AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHMOND HILL, GEORGIA, CHAPTER 22 – BUSINESSES, ARTICLE III – ROADSIDE SALES; FOR THE PURPOSE OF ADDING MOBILE VENDING REGULATIONS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Section 1. It is hereby ordained by the Mayor and Council of the City of Richmond Hill that Code of Ordinances of The City of Richmond Hill, Georgia, Chapter 22 – Businesses, Article III – Roadside Sales be amended by removal in its entirety and replacement with the following:

ARTICLE III. - ROADSIDE SALES AND MOBILE VENDING

Sec. 22-101. - Purpose and intent.

It is the purpose of this article to protect the public health, safety and general welfare of individuals and the community at large; to establish uniform regulations for the operation of roadside sales, mobile food service units and mobile retail vendor vehicles; and to enhance street-level economic opportunities within the City. The retail or wholesale sales from facilities or vehicles or equipment or any type structure that is not permanently affixed to real property within the corporate limits of the city shall be regulated as set forth in this article.

Sec. 22-102. - Applicability.

This article applies to the retail or wholesale sales or vending of any product, food or merchandise whatsoever being sold from facilities or vehicles or equipment or any type structure that is not permanently affixed to real property within the corporate limits of the city.

Sec. 22-103. - 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 an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

Catering food service establishment shall mean a food service establishment that contract with a consumer to prepare a specific menu and amount of food in a permitted food service establishment for service to the consumer at a different location. This term shall include on-site catering and off-site catering operations; however, the term shall not include operations such as mobile food service establishments, temporary food service establishments, extended food service establishments or establishments that only deliver foods such as pizza delivery.

Extended food service unit shall mean a stationary trailer, kiosk or similar unit operating as an extension of and under the managerial authority of the permit holder of its base of operation or its permitted food service establishment on the same property.

Facility or structure shall mean something designed, built, installed, etc. to serve a specific function affording a convenience or service.

Ice cream truck shall mean a motor vehicle in which pre-packaged ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the city. For the purpose of this article, the term "ice cream truck" shall not include vendors who prepare ice cream, popsicles, ice sherbets or other frozen desserts of any kind.

Mobile food 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 prepare and serve food.

Permanently affixed to real property shall means an attachment to real property in such a manner as to cause damage or modification to the real property in the event of removal of the facility or structure.

Sec. 22-104. - Approvals, permitting and regulations.

The following section provides guidance for the approval process, required permits, license and City regulations as it relates to roadside sales and mobile vending. All individuals or organizations desiring to vend any product or merchandise from a facility, vehicle or equipment or any type structure not permanently affixed to real property within the corporate limits of the city must first obtain a permit to do so by paying the application fee of \$100.00 and meeting certain requirements set forth hereunto. The permit shall be valid for 14 days per month. The rules and regulations may be modified in the case of a City sponsored event and/or annual holiday event. The rules and regulations may also be modified in the case of a nonprofit organization, that qualifies as an extended food service unit, as approved by the Bryan County Ga Department of Public Health. The following information shall be provided with each application

- (1) The name, address, telephone number, and email address of owner(s) of record and name of business.
- (2) A business license from anywhere in the state of Georgia;
- (3) A written agreement from applicable property owner(s)/manager(s) with regard to the time(s) and location for the premises.
- (4) All permits as may be required to operate a mobile food service unit by the State, including the Bryan County Ga. Department of Public Health and
 - (a) Information identifying the mobile food service unit including its make, model and license plate number, together with a photograph of the mobile food service unit;
 - (b) A copy of the approved permit and inspection certificate for the base of operation issued by the Bryan County Ga. Department of Public Health or Georgia Department of Agriculture;
- (5) Any driver of a mobile vending vehicle must possess a valid driver's license (a photocopy must be included with the application);
- (6) A fire safety inspection, see fire safety section (applicable to food trucks only);

Sec. 22-105. - Requirements.

All merchants vending merchandise, food or products of any nature from equipment or vehicles or facilities or any type structure not permanently affixed to real property within the corporate limits of the city shall operate no roadside sales or mobile vending between the hours of 10:00 p.m. and 8:00 a.m. and shall strictly comply with the following requirements:

(A) Facilities and Structures

- (1) Size and shape of facilities and structures.
 - (a) No facilities and structures of any nature will be employed without first procuring a building permit from the city.
 - (b) Any structure or facility contemplated in this section shall not exceed 64 square feet in area in total floor or ground space.

- (c) Any structure or facility contemplated in this section must be constructed of materials commonly used for permanent type facilities providing full protection from the elements to the contents and occupants of the structure.
 - (d) The facilities and structures contemplated do not include trucks, trailers, or vehicles that are mobile that can be parked in a stationary manner, see 22-105 (B) for mobile vending.
 - (e) Any signage shall be in compliance with Article 16, Signs, of the Unified Development Ordinance
 - (f) Shade features may not be attached to trees, structures or other permanent feature on any property.
- (2) Color and markings of contemplated facilities and structures.
- (a) The color scheme of the contemplated facilities and structure shall be compatible with that of the improvements on the real property on which the structure is located.
 - (b) All provisions of the city's Unified Development Ordinance pertaining to signs, banners, flashing lights, and the like are incorporated in this section by reference; and all contemplated facilities and structures must fully comply with the Unified Development Ordinance and applicable building codes.
- (3) Location of contemplated structures.
- (a) The location of the contemplated facilities and structures with regard to setback lines shall be located a minimum ten (ten) feet from the front, side and rear property lines and must fully comply with the clear vision requirements in the Unified Development Ordinance.
 - (b) Contemplated facilities and structures shall be located in such a manner as to provide a minimum of six marked parking spaces attendant to the business being conducted from any contemplated structure. Parking spaces must be assigned exclusively for the use for the contemplated structure and may not be used in conjunction with any other business that may be located on the same real property.
 - (c) For food service businesses, there shall be approved restrooms within 200 feet, available for use by the public.
 - (d) Food service businesses may not conduct business within 200 feet as measured from the main entrance of a fixed food service establishment to the service area of the food facility/structure, unless such fixed food service establishment has provided written consent to allow the food facility/structure to be located at the proposed location.

(B) Mobile Vending

- (1) *Food trucks*. The following operational requirements and conditions apply to food trucks:

- (a) Food trucks shall not conduct business within the public right-of-way, with the exception of special events recognized by the City of Richmond Hill and for which the food truck has received pre-approval.
- (b) No operator or employee of a food truck may, at any time, utilize amplified sound devices.
- (c) The Georgia Department of Public Health mobile food service unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the food truck is conducting business.
- (d) Food trucks shall not conduct business in any of the residential zoning districts:
- (e) When conducting business, food trucks shall provide no less than nine feet of unobstructed horizontal pedestrian clearance on private property, as measured from the main service window.
- (f) Food trucks may not be left unattended or otherwise stored on sites at which they offer the sale of food and beverage to the public, unless allowed by the Unified Development Ordinance or the associated Planned Unit Development regulations. All mobile food service units must return to their base of operations when not in use. No mobile vendors shall remain onsite after hours of operation.
- (g) Food trucks may not conduct business within 200 feet as measured from the main entrance of a fixed food service establishment to the service window of the food truck, unless such fixed food service establishment has provided written consent to allow the food truck to be located at the proposed location.
- (h) Food trucks may not conduct business in a location that block or impede either pedestrian or vehicular traffic.
- (i) Food trucks may not conduct business with any person while such person is situated in a motor vehicle.
- (j) Multiple food trucks may be allowed on the same property.
- (k) Food trucks may not block or otherwise interfere with Fire Department/Emergency Management Services fire lanes. Food trucks must be parked a minimum of 15 feet from any fire hydrant.
- (l) Food truck owners must maintain for patrons' use a litter receptacle of sufficient size to accept the litter being generated by the sales from the vendor's vehicle at the point of sales. The receptacle must be maintained in such a manner as to preclude an over flow of refuse.
- (m) No point of sale is allowed outside of the unit's service window.
- (n) No food truck may be placed under any temporary tents, tarps or other non-permanent covering.
- (o) Any signage shall be in compliance with Article 16, Signs, of the Unified Development Ordinance;
- (p) Shade features may not be attached to trees, structures or other permanent feature on any property.

- (q) There shall be approved restrooms within 200 feet, available for use by the public
 - (r) The City may inspect each vehicle as needed to ensure compliance
- (2) *Push carts.* Push carts are not allowed
- (3) *Ice cream trucks.* The following operational requirements and conditions apply to ice cream trucks:
- (a) Vendors can operate out of a motor vehicle used for selling, displaying or offering to sell ice cream only.
 - (b) Vendor shall be subject to a background check for Municipal, County, State and National criminal history records including misdemeanor driving offenses, as part of the application process. No permit shall be issued or any renewal granted to any person, partnership or corporation where any individual having an interest either as owner, partner, principal stockholder, directly or indirectly beneficial or absolute, shall have been convicted or shall have taken a plea of nolo contendere within ten years immediately prior to the filing of the application for any felony or misdemeanor of any state or of the United States or any municipal ordinance, except or any violation of this chapter; the term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime. Likewise, no license or renewal shall be issued to any person, partnership or corporation where any individual having an interest either as owner, partner, principal stockholder, directly or indirectly beneficial or absolute, shall have pending against him/her outstanding indictments, accusations or criminal charges, or charges of violations of this chapter, for which no final disposition has occurred. Provided that where the violation or pending charge is for a misdemeanor, forfeiture of a bond or violation of a municipal ordinance, the mayor and council, may, after investigation, waive the same as a disqualification.
 - (c) No vendor shall remain stationary on a public street or right-of-way more than 30 minutes in any one location conducting business, after which time such vendor must move at least one block or 500 feet, whichever is greater, and shall not return to the same block or location within the same day.
 - (d) Each vendor must maintain a litter receptacle for patrons' use. Excessive litter caused by product packaging may result in revocation of this license.
 - (e) Vendors must equip motorized vehicles with a flashing amber dome light and front and rear warning lights, which the vendor shall flash alternately and shall be flashing when such vehicle is stopped for the purpose of selling ice cream.
 - (f) Signs stating "WATCH FOR CHILDREN" must be provided on the front, back and both sides of the vehicle in at least four-inch letters of contrasting colors.
 - (g) Vendors shall not be positioned so as to expose customers to vehicular traffic, or otherwise in an unsafe manner. Any directive by a police officer in this regard shall be immediately complied with.
 - (h) Vendors shall not sell non-food novelty items, noisemakers or toy.

- (i) No vendor shall sound any device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products. A bell or musical recording may be sounded for a period not to exceed five minutes to announce the arrival of the vehicle at each location.

(C) *Mobile retail vendors.* The following operational requirements and conditions apply to all other retail vendors not listed above:

- (1) Mobile retail vendors shall not conduct business within the public right-of-way, with the exception of special events recognized by the City of Richmond Hill for which the mobile retail vendor has received pre-approval.
- (2) No operator or employee of a mobile retail vendor may, at any time, utilize amplified sound devices.
- (3) Mobile retail vendors shall not conduct business in any of the residential zoning districts
- (4) When conducting business, mobile retail vendors shall provide no less than nine feet of unobstructed horizontal pedestrian clearance on private property, as measured from the main service window.
- (5) Mobile retail vendor's vehicles may not be left unattended or otherwise stored on sites at which they offer retail sales to the public, unless allowed by the Unified Development Ordinance or the associated Planned Unit Development regulations.
- (6) Mobile retail vendors shall meet all sign regulations as states in Article 16 Signs of the Unified Development Ordinance.
- (7) Mobile retail vendors may not conduct business in a location that will block or impede either pedestrian or vehicular traffic.
- (8) Mobile retail vendors may not conduct business with any person while such person is situated in a motor vehicle.
- (9) Mobile retail vendors may not block or otherwise interfere with Fire Department/Emergency Management Services fire lanes. The vehicle must be parked a minimum of 15 feet from any fire hydrant.
- (10) No point of sale is allowed outside of the mobile retail vendor's vehicle.
- (11) Any signage shall be in compliance with Article 16, Signs, of the Unified Development Ordinance;
- (12) Shade features may not be attached to trees, structures or other permanent feature on any property.

(D) *Fire safety.* To minimize the threat to public safety posed by fire, prior to submitting a mobile vendor permit, food trucks and mobile food service units shall be inspected to ensure that the vehicle meets the conditions below.

- (1) *Combustible gas detector.* Prior to the operation of any combustible gas-fueled appliances, all visible connections shall be inspected for leakage utilizing a combustible gas detector. Detected leaks shall be repaired before any gas-fueled appliance is operated.

- (2) *Propane and natural gas cylinders.* Propane and natural gas tanks shall be shut off while the mobile food vehicle is in motion, unless the tank is equipped with an impact detection shut off device approved by the U.S. DOT. Propane and natural gas tanks must always be shut off while the vehicle is unattended and/or in overnight storage. Mounted tanks must be secure (National Fire Protection Association "NFPA" 58—5.2.4) and conform with NFPA standards relating to the safe mounting of tanks as described in NFPA 58—6.23.3.3, and be capable of withstanding impact requirements as required by the NFPA (NFPA 58 6.23.3.4). Only US DOT approved models of propane tanks may be used on mobile food trucks.
- (3) *Portable fire extinguishers.* All mobile food service units shall be equipped with a readily accessible multipurpose dry chemical portable fire extinguisher with a minimum rating of 2A 10BC. All mobile food service units utilizing fats or cooking oils, including those that produce grease, grease laden vapors or oily byproducts, shall, in addition to the ABC fire extinguisher, be equipped with a readily accessible Class K portable fire extinguisher. All required fire extinguishers shall be maintained in compliance with National Fire Protection Association 10, as amended.
- (4) *Operations prior to set up.* Mobile food service units are prohibited from igniting, starting or operating any cooking appliances requiring heat, electricity or combustible gases while traveling upon any street, road or highway. Food warming or hot holding appliances are exempt from this requirement.
- (5) *Detection systems.* All mobile food vehicles equipped with gas fueled equipment must have a working carbon monoxide detector.
- (6) *Exhaust creating nuisance.* Emission of exhaust gases or smoke shall not be handled in such a manner as to constitute a nuisance.
- (7) *Hood cleaning and maintenance.* Each mobile food vehicle that produces grease or cooking vapors shall be equipped with a Type I commercial kitchen exhaust hood as defined in the International Mechanical Code. The exhaust hood shall be cleaned at intervals prescribed in Section 609 of the International Fire Code. Mobile food service units shall be maintained and regularly cleaned to minimize the buildup of grease and other combustible residues. This includes all interior and exterior surfaces upon which grease can or may accumulate including, but not limited to, hold filter surfaces, plenums, ducts, exhaust fans and exterior cowling.
- (8) *Fire suppression system inspections.* All mobile food service unit fire suppression systems shall be inspected and maintained in accordance with the applicable provisions of the National Fire Protection Association.
- (9) *Piping.* All propane piping shall be constructed and installed in accordance with NFPA 58-6.23.5.
- (10) *Cooking equipment.* All cooking appliances shall be listed by Underwriters Laboratories for mobile applications for the appropriate fuel and clearly marked with the appropriate rating sticker. All fat fryers must have a lid over the oil vat that can be secured in order to prevent the spillage of cooking oil during transit. This lid should be secured at all times when the vehicle is in motion.

Sec. 22-106. - Penalty for violations.

The penalty for each violation of this article by any person shall be a fine of \$100.00 and/or 30 days in jail for each violation.

Secs. 22-107—22-140. - Reserved

Section 2. All ordinances or parts of ordinance in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

Section 3. This Ordinance shall be effective upon its adoption.

SO ORDAINED, this ___ day of _____, 2017.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk