

## **Article II – Mobile Food Service – 7/22/16**

### **Section 6-2700. 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 mobile food service units; and to enhance street-level economic opportunities within the City.

### **Section 6-2701. Scope.**

This Article shall apply to the operation of all mobile food service units within the corporate limits of the City.

### **Section 6-2702. Definitions.**

The following words, terms and phrases as used in this Article shall mean:

(a) “Base of Operation” means a food service establishment, or any other permitted location in which food, containers or supplies are kept, handled, prepared, packaged, stored, or placed in containers for subsequent transport, sale or service elsewhere.

(b) “Fixed Food Service Establishment” means a non-mobile public or private establishment which prepares and serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. The term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which retail sandwiches or salads, soda fountains, and similar facilities by whatever name called. This term shall not apply to establishments offering food service incidental to their operations.

(c) “Food truck” encompasses all mobile food service units with the exception of pushcarts. Food trucks shall be no larger than 30x8 feet.

(d) “Mobile Food Service Unit” means a trailer, pushcart, vehicle vendor or any other similar conveyance operating as an extension of and under the managerial authority of the permit holder of its permitted base of operation. The mobile food service unit and its permitted base of operation together make a mobile food service establishment.

(e) “Pushcart” means a human propelled, self-contained, enclosed food service cart that operates at pre-determined locations as approved by the Health Authority and the City of Savannah. Pushcarts shall be no larger than 5x10 feet.

**Section 6-2703. Approvals and Licensing.**

(a) *In general.* No person shall operate a mobile food service unit within the corporate limits of the City without first obtaining the proper licenses and/or permits from the state, county, and City of Savannah. Mobile food service unit operators shall at all times comply with the provisions of this Article and all other applicable local, state and federal laws, regulations or rules. All approvals will be issued annually based on the calendar year. No approval issued under this Article may be prorated, transferred, or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(b) *Specific requirements.* Any person intending to operate a mobile food service unit within the corporate limits of the City of Savannah shall obtain, prior to commencing operation:

(1) All permits as may be required to operate a mobile food service unit by the state, including the Department of Public Health, and Chatham County, including the Health Department;

(2) A City of Savannah Mobile Food Service Unit Location Approval; and

(3) A City of Savannah Business Tax Certificate

(c) *Mobile food service unit location approval application - contents.* Applicants seeking Mobile Food Service Unit Location Approval shall submit, on an annual basis, an application for such approval to the City Manager, or his/her designee. The application shall be furnished under oath on a form specified by the City Manager, accompanied by a non-refundable application fee as set forth in the City’s annual Revenue Ordinance. Such application shall include:

(1) The name, address, telephone number, and email address of the mobile food service unit’s owner(s) of record. An approval shall be required for each mobile food service unit, notwithstanding unity of ownership or operation. Where an owner(s) is a non-natural person whether or not formally organized, the

application shall identify all partners, officers, directors and/or natural person with a financial interest in any such entity, including personal contact information for each;

(2) Information identifying the mobile service unit including, its make, model and license plate number, together with a photograph of the mobile food service unit;

(3) The corporate and, where applicable, trade name of the base of operations associated with the mobile food service unit, together with a copy of the base of operation's City of Savannah Business Tax Certificate. Where the base of operation is located outside the City limits, the applicant shall provide evidence of licensing in the base of operation's home jurisdiction;

(4) A copy of the approved permit and inspection certificate for the base of operation issued by the Chatham County Public Health Department or Georgia Department of Agriculture;

(5) A listing of operating locations, schedule for operation, and hours of operation for each site on which the mobile food service unit intends to conduct business;

(6) A fully executed copy of the lease agreement for each operating location;

(7) A scaled drawing for each location illustrating the location of the mobile food service unit, the dimensional requirements referenced in Section 6-2704;

(8) Temporary seating may be provided if the Mobile Food Service Unit is at least 400 feet from a brick and mortar restaurant. A scaled drawing, indicating where the seating will be located and number of seats must be furnished;

(9) Any other information that the City Manager may, from time-to-time, deem material to the approval of mobile food service units within the City limits; and

(10) Application for location approval and renewal shall be accompanied by such fee as established by the annual revenue ordinance.

## **Section 6-2704. Grant or Denial of Application.**

Review and consideration of an application shall be conducted in accordance with principles of due process. Applications may be denied where an applicant fails to demonstrate that he or she meets the conditions and requirements of this Article, or where an applicant fails to comply with applicable local, state or federal law. Any false statements, material omissions or substantially misleading information provided in an application or furnished by an applicant in connection with an application constitute grounds for any one or combination of the following sanctions: denial; refusal to renew; revocation; suspension; and imposition of penalties.

## **Section 6-2705. Operational Requirements and Provisions.**

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

(1) Food trucks shall not conduct business within the public right-of-way, with the exception of special events recognized by the City of Savannah for which the food truck has received pre-approval from the City Manager.

(2) Food trucks shall not operate on private property without the written consent of the property owner.

(3) No operator or employee of a food truck may, at any time, utilize amplified sound devices.

(4) Food trucks shall comply with the City's grease interceptor standards, as set forth in the Sewage Collection and Disposal Ordinance, as amended.

(5) 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.

(6) Any driver of a food truck must possess a valid driver's license.

(7) Food trucks may conduct business only within the zones designated for such activity set forth in the Zoning section of the City Code, as amended.

(8) 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.

(9) 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 Zoning Ordinance. All mobile food service units must return to their base of operations when not in use.

(10) Food trucks shall comply with all applicable local, state and federal health and safety laws, regulations and rules.

(11) Food trucks may place one temporary sandwich board for advertisement purposes no more than four feet from the main service window and must comply with the Temporary Use of Public Right of Way Menu Board regulations.

(12) Food trucks may not conduct business within 200 feet as measured from the main entrance of the brick and mortar restaurant to the service window of the food truck.

(13) Food trucks may not conduct business in a location that might block or impede either pedestrian or vehicular traffic.

(14) Food trucks may not conduct business with any person while such person is situated in a motor vehicle.

(15) Toilet Facilities- See Georgia Department of Public Health Rule 511-6-1-.06(2)(h).

(16) Food trucks shall comply with Sec. 8-3013 Visual Clearance Zone as amended.

(b) *Push carts.* The following operational requirements and conditions apply to push carts:

(1) No operator or employee of a push cart may, at any time, utilize amplified sound devices.

(2) 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 push cart is conducting business.

(3) Push carts may conduct business only within the zones designated for such activity set forth in the Zoning section of the City Code.

(4) When conducting business, push carts shall provide no less than six feet of unobstructed horizontal pedestrian clearance on private property, as measured from the main service window.

(5) Push carts shall comply with all applicable local, state and federal health and safety laws, regulations and rules.

(6) Push carts may not display signage not affixed to the vehicle.

(7) Push carts may not conduct business in a location that might block or impede either pedestrian or vehicular traffic.

(8) Push carts may not conduct business with any person while such person is situated in a motor vehicle.

(9) Push carts may not furnish temporary seating.

(10) Push carts shall comply with Sec. 8-3013 Visual Clearance Zone as amended.

(11) Vendors operating from registered push carts are permitted to sell food and cut flowers only. Push carts may operate in certain areas of the city. The Revenue Department, with assistance from the Traffic Engineering Department, is authorized to assign spaces to push cart operators and to enforce such assignments. The Revenue Department, assisted by the Traffic Engineering

Department, is authorized to determine appropriate placement of push carts within the authorized and assigned areas, and may require inappropriately placed push carts to be moved.

(12) Push carts must receive written approval from Traffic Engineering Department authorizing a specific location prior to the issuance of a business tax certificate.

### **Section 6-2706 Litter.**

(a) Each mobile food service unit shall provide a suitably-sized receptacle for litter, which shall be located within ten feet of the service window of the unit. It shall be maintained and regularly emptied. All waste generated by the mobile food service unit's operation, including that associated with its customers and staff, must be disposed of at the base of operation.

(b) The area within which a mobile food service unit operates shall, at all times, be kept clean and free from litter, garbage, rubble and debris. For purposes of this Section, a mobile food service unit shall be responsible for maintaining in a safe and hygienic manner, the premises on which it is situated.

### **Section 6-2707 Fire Safety.**

To minimize the threat to public safety posed by fire, the following apply:

(a) *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.

(b) *Propane 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 (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.)

(c) *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.

(d) *Operations prior to set up.* 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. 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.

(e) *Smoke free air.* Mobile food service units shall comply with the Savannah Smoke Free Air Ordinance, as amended.

(f) *Exhaust creating nuisance.* Emission of exhaust gases or smoke shall not be handled in such a manner as to constitute a nuisance.

(g) *Hood cleaning and maintenance.* 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.

(h) *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. The system shall be tagged in accordance with the Rules and Regulations of the Georgia Safety Fire Commissioner.

### **Section 6-2708 Special Events.**

The City Manager may permit licensed mobile food service units to operate at special events pursuant to the City of Savannah's Special Events Policy and

Procedures. Special event permits are of a limited duration and not subject to the prohibitions set forth in subsections (a)(7), (12) and (b)(4) of Section 6-2705.

The City of Savannah's Mayor and Alderman must be listed as a certificate holder for any mobile food service unit operating on the public right-of-way.

**Section 6-2709 Enforcement and Sanctions.**

(a) To ensure the continued application of the intent and purpose of this Article, the City Manager shall notify the owner(s) and operator(s) and, where applicable, the Chatham County Health Department, of all instances in which a citation is issued to a mobile food service unit.

(b) The City Manager shall maintain a record of all code violation charges, founded accusations and convictions concerning mobile food service units. When a mobile food service unit owner or operator accumulates three code violations for a particular mobile service unit within a period of twelve consecutive months, the City shall revoke the mobile food service unit's location approvals and reject all applications for mobile food service unit location approvals by the concerned owner(s) and operator(s) for a period of twelve consecutive months following the date of revocation.

(c) If a mobile food service unit owner or operator has been cited for and found to be in violation of any zoning, health or life safety code provision, the owner or operator must demonstrate compliance with the applicable code prior to being eligible to continue operations under the current approval.

(d) Violations of this Article are subject to the following sanctions, which may not be waived or reduced and which may be combined with any other legal remedy available to the City:

(1) First violation: \$500.

(2) Second violation within the 12 months following the first violation: \$750.

(3) Third violation within the 12 months following the first violation: \$1,000 and revocation of the mobile food service unit location approvals. Mobile Food Service Unit Location Approvals will be revoked for six months from the date of the third violation.

(f) Nothing in this section shall limit the City from enforcement of its code, state or federal law by any other legal remedy available to the City. Nothing in this section shall be construed to limit or supplant the power of any City inspector, deputy marshal or other duly empowered officer under the City's ordinances, rules and regulations or the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from operation of a mobile food service unit as a nuisance, including abatement thereof by lawful means.

### **Section 6-2710 Variance Process.**

The Zoning Administrator may administratively grant minor variances with conditions. Either the owner/occupant of the physical site upon which a Mobile Food Service Units wishes to operate, or a Mobile Food Service Unit operator wishing to conduct business thereon, when accompanied by written authorization from the property owner/occupier, may request a variance from the terms of this chapter, where such variance will not be contrary to the public interest and where, owing to special conditions, strict enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship; provided, however, that the spirit of this chapter shall be observed, and public safety and welfare secured. Such variance may be granted in an individual case upon a finding by the Zoning Administrator that:

- (1) Relief shall not be granted for a use of land or building that is prohibited by this chapter in the district in question;
- (2) The intent and spirit of the ordinance is not compromised;
- (3) The strict application of this chapter to this particular piece of property or Mobile Food Service Unit would create an unnecessary hardship;
- (4) The request for relief is due to an unusual or peculiar circumstance;  
and
- (5) Relief, if granted, would not cause detriment to public safety and welfare.

### **Section 6-2711- 2750 Reserved.**