

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND CHAPTER 26 (LICENSES, PERMITS AND MISCELLANEOUS REGULATIONS) TO PROVIDE FOR REGULATION OF MOBILE FOOD UNITS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Sandy Springs (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Sandy Springs; and

WHEREAS, the City has determined that regulation of Mobile Food Units and operators is necessary in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the areas and methods of operation; and

WHEREAS, the City Council has determined that it is appropriate to modify the Code of Ordinances of the City of Sandy Springs (the “Code”) to provide for the regulation of Mobile Food Units.

BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION I: Chapter 26, relating to Licenses, Permits and Miscellaneous Regulations is hereby amended by adding Article 9 regulating Mobile Food Units, and will read as follows:

ARTICLE 9. – MOBILE FOOD UNITS

Sec. 26-300. – 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:

Ice Cream Vending Unit. A motor vehicle containing a commercial freezer from which a vendor sells or gives away frozen food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar desserts, whether prepackaged, prepared, or prepared on-site. Such frozen food products are typically sold on city streets at intermittent locations.

Mobile Food Unit. A food and beverage establishment that is a vehicle mounted unit, either motorized or trailered, and readily movable, without disassembling, for transport to another location.

Sec. 26-301. – Applicability.

- (a) The provisions of this Article shall apply to Mobile Food Units engaged in the business of preparing, cooking and distributing food prepared on-site with or without charge from Mobile Food Units on or in City owned or private property within the City of Sandy Springs, and any individual engaged in the operation of a Mobile Food Unit.
- (b) This Article shall not apply to an Ice Cream Vending Unit so long as the unit is stationary in the same location for no more than fifteen (15) minutes at a time. An Ice Cream Vending Unit may sell or attempt to sell any item on from an Ice Cream Vending Unit only on streets where the speed limit is thirty (30) miles per hour or less. An Ice Cream Vending Unit shall not stop within twenty (20) feet of an intersection or double park when attempting or making a sale.

Sec. 26-302. – Mobile Food Unit Permit.

- (a) No Mobile Food Unit may be operated on City owned or private property without the Mobile Food Unit owner or his/her designee having first been issued a permit pursuant to this section. Mobile Food Units are only allowed in commercial, mixed use or Perimeter zoned properties.
- (b) A permit allows the permittee to operate at up to five (5) different properties. An applicant may apply for more than one (1) permit.
- (c) Applicants for a permit authorizing a Mobile Food Unit to operate on private property must provide:
 - 1) A city business license.
 - 2) A valid health permit from the Georgia Department of Public Health stating the Mobile Food Unit meets all applicable standards. A valid health permit must be maintained for the duration of the provisional use permit.
 - 3) Written permission from the owner(s) of the private properties upon which the permittee will operate.
 - 4) A sketch to be approved by the Director of Community Development for each property, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the Mobile Food Unit, distance from property lines, garbage receptacles and any other feature associated with the Mobile Food Unit.
- (d) A Mobile Food Unit permit is valid for one (1) year from the date of issuance.

Sec. 26-303. – Placement and Operation of Mobile Food Units.

- (a) A Mobile Food Unit operator shall not:
 - 1) Sell anything other than food and non-alcoholic beverages and items incidental to the product and its consumption;
 - 2) Set up more than one (1) covered ten (10) x ten (10) table to provide condiments to patrons;
 - 3) Play any music, sound effect or noise that is audible outside of the vehicle;
 - 4) Place or utilize any signage that is not permanently affixed to the Mobile Food Unit;
 - 5) Fail to provide receptacles and properly dispose of all trash, refuse, compost and garbage that is generated by the use;
 - 6) Cause any liquid wastes to be discharged from the Mobile Food Unit;
 - 7) Locate a Mobile Food Unit within one hundred (100) feet of a single family or two-family residential use as measured from its property line or on the same property as an existing restaurant unless the owner of that restaurant owns the Mobile Food Unit.
- (b) The following are requirements for the City of Sandy Springs Fire Department. Each Mobile Food Unit shall be checked for compliance at licensing and may be inspected annually.
 - 1) A fire extinguishing system designed for cooking operations shall be installed in accordance with NFPA 17A and UL 300 to cover cooking equipment which requires a mechanical exhaust ventilation system. The extinguishing system shall be serviced and tagged by a state licensed fire extinguisher business every 6 months.
 - 2) Mechanical exhaust ventilation system equipment shall be provided over all cooking equipment as required to affectively remove cooking odors, smoke, steam, grease, heat and vapors.
 - 3) All Mechanical exhaust ventilation equipment shall be commercial and installed and maintained in accordance with NFPA 96 120-3-3 and any adopted local fire and /or building codes.
 - 4) A fire extinguisher is required for protecting Class ABC hazards and shall have at least one 2A20BC extinguisher mounted in an accessible location. The ABC extinguisher shall be serviced and tagged by a state licensed fire extinguisher business every 12 months or within 2 months of an application for an annual permit.

- 5) A fire extinguisher is required for combating grease fires and shall have at least one K-Class fire extinguisher mounted in an accessible location. The K-Class extinguisher shall be serviced and tagged by a state licensed fire extinguisher business every 12 months or within 2 months of an application for an annual permit.
- 6) “NO SMOKING” signs shall be posted
- 7) If a flammable gas tank is used inside the vehicle, there must be at least two ventilation openings venting to the outside. One located near the cylinder valve and one must be located at floor level.
- 8) Tanks must be properly secured to a rigid structure.
- 9) All supply hose for the tank shall be rubber, located off the floor, protected from physical damage and stamped “APPROVED FOR LP GAS” or “APPROVED FOR NATURAL GAS”.
- 10) The main shut off for gas must be marked.
- 11) Extension cords shall not be substituted for permanent wiring. Extension cords shall be used only with portable appliances.
- 12) Ground fault circuit-interrupter protection shall be provided for receptacles located near sink or water basin

Sec. 26-304. – Revocation.

A permit may be revoked by the zoning administrator at any time, due to the failure of the permit holder to comply with any requirements of this chapter. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Appeals.

Secs. 26-305 - 26-320. – Reserved.

SECTION II: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

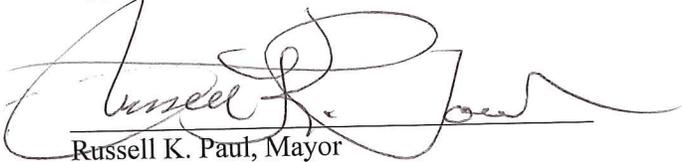
SECTION III: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

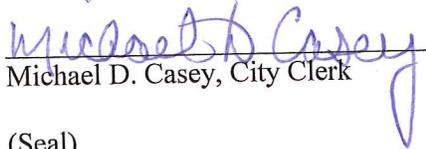
SECTION V: This Ordinance shall become effective immediately upon adoption.

APPROVED AND ADOPTED this the 17th day of October, 2017.

Approved:


Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)

