City of Barnesville

Ordinance No. 605

AMENDMENT TO SECTION 635-CENTRAL COMMERCIAL DISTRICT (C-1) TO ALLOW AS A CONDITIONAL USE MOBILE FOOD SERVICE UNIT, AND TO ADD THE DEFINITION OF MOBILE FOOD SERVICE UNIT, MOBILE FOOD VENDOR, AND MOBILE FOOD SERVICE COURT TO SECTION 210-SPECIFIC DEFINITIONS

Be it ordained, by the City Council of the City of Barnesville, and it is hereby enacted by the authority of same an amendment to the Official Zoning Ordinance of the City of Barnesville as follows:

AN ORDINANCE AMENDING THE CITY OF BARNESVILLE ZONING ORDINANCE SECTION 635-CENTRAL COMMERCIAL DISTRICT (C-1), THE FOLLOWING ADDITIONS ARE TO ADDRESS POTENTIAL PROPOSED USES IN THE CITY OF BARNESVILLE LAND USE DISTRICT CODE

AMENDING THE CITY OF BARNESVILLE ZONING ORDINACE SECTION 635.3-CONDITIONAL USES, by adding the following:

(c) Mobile Food Service Units

AMENDING THE CITY OF BARNESVILLE ZONING ORDINACE SECTION 210-SPECIFIC DEFINITIONS, by adding the following:

A. (68) *Mobile Food Service Court:* A designated area where one or more mobile food service units are located.

(69) *Mobile Food Service Unit*: A Mobile Food Service Unit is a motorized, wheeled vehicle designed and utilized for the preparation and sale of food and non-alcoholic beverage items to the general public, and whose operations are self-contained within the confines of the vehicle. Such vehicles shall operate in accordance with the codes and ordinances of the City of Barnesville regarding Mobile Food Service Units and Mobile Food Vendors, the laws of the State of Georgia, the rules, regulations and policies of the Georgia Department of Public Health for Mobile Food Services/Food Trucks, and the rules and regulations for food service of the City of Barnesville and Lamar County.

(70) *Mobile Food Vendor*: A Mobile Food Vendor is the owner, operator, or agent thereof of a Mobile Food Service Unit and operating out of said Mobile Food Service Unit.

B. Re-number the remaining definitions of SECTION 210-SPECIFIC DEFINITIONS beginning with (71) and continuing through (113)

City of Barnesville

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This ordinance adopted this the 4th day of December 2023 by the Mayor and City Council of the City of Barnesville.

Peter L. Banks, Mayor

Bill Claxton, Mayor Pro Tem

Christopher Hightower, Councilmember

Sammie D. Shropshire, Jr., Councilmember

Joseph Sims, Councilmember

Cecil D. McDaniel, Sr., Councilmember

ATTEST

Tammy T. Folson, City Clerk

MOBILE FOOD SERVICE UNITS AND MOBILE FOOD VENDORS

AMENDMENT TO CHAPTER 18 – BUSINESSES, BY ADDING A NEW ARTICLE 7 GOVERNING MOBILE FOOD SERVICE UNITS AND MOBILE FOOD VENDORS; REPEALING CONFLICTING ORDINANCES AND PARTS THEROF; RESTATING THE CODE, AS MODIFIED BY THIS ORDINANCE; AND FOR OTHER PURPOSES.

The Code of Ordinances of the City of Barnesville, Georgia is hereby amended at Chapter 18 – BUSINESSES, BY ADDING A NEW CHAPTER 7 GOVERNING MOBILE FOOD SERVICE UNITS AND MOBILE FOOD VENDORS as follows:

ARTICLE VII. -- MOBILE FOOD SERVICE UNITS AND MOBILE FOOD VENDORS

Sec. 18-139. – Title.

This article shall be known to and referred to as the "City Barnesville Food Truck Ordinance."

Sec. 18-140. – Definitions.

Mobile Food Service Unit: A Mobile Food Service Unit is a motorized, wheeled vehicle designed and utilized for the preparation and sale of food and non-alcoholic beverage items to the general public, and whose operations are self-contained within the confines of the vehicle. Such vehicles shall operate in accordance with the codes and ordinances of the City of Barnesville regarding Mobile Food Service Units and Mobile Food Vendors, the laws of the State of Georgia, the rules, regulations and policies of the Georgia Department of Public Health for Mobile Food Services/Food Trucks, and the rules and regulations for food service of the City of Barnesville and Lamar County.

Mobile Food Vendor: A Mobile Food Vendor is the owner, operator, or agent thereof of a Mobile Food Service Unit and operating out of said Mobile Food Service Unit.

Mobile Food Service Court: A designated area where one or more mobile food service units are located.

Sec. 18-141. – Purpose of this Chapter.

The purpose of this chapter is to promote the health and general welfare of the City's citizens to regulate and control the licensing and permitting of Mobile Food Vendors and Mobile Food Service Units, which contribute to the local economy, add to the vibrancy of the City, and promote entrepreneurship, community, and innovation; to establish reasonable regulations and ascertainable standards for licensees; and to ensure that only qualified Mobile Food Vendors and Mobile Food Service Units are permitted within the City of Barnesville.

Sec. 18-142. – Compliance with this Chapter.

No person shall operate a Mobile Food Service Unit within the City without first having complied with the provisions of this Chapter.

Sec. 18-143. – Enforcement and penalties.

(a) Any person who shall do anything prohibited by this chapter as it now exists or as it may hereafter be amended, or who shall fail to do anything required by this chapter as it now exists or as it

may hereafter be amended, is hereby declared to be in violation of this article and the regulations or City ordinances herein set forth.

(b) Each and every day that any such violation exists shall be deemed a separate offense.

(c) In the event that the City Manager, or his or her designee, determines that a violation has occurred, such licenses shall be suspended for thirty (30) days for the first violation. For a second violation occurring within any consecutive twelve (12) month period, the license shall be suspended for ninety (90) days. Any license that has been suspended two times within any consecutive twelve (12) month period that is determined to have committed a subsequent license violation within twenty-four (24) months of the second suspension shall be revoked. Should a license be revoked, the owner and/or operator shall not be eligible to apply for a mobile food vendor license for a period of three (3) years from the date of revocation.

(d) The imposition of any such fine or imprisonment, or both, for any violation shall not excuse the violation or permit it to continue; and all such violators shall be required to correct or remedy such violations or defects within the time as prescribed by the court having jurisdiction of such matter and in the absence of any such completion time being fixed by the court, within a reasonable time after such violations occur.

(e) The application of any fine, imprisonment or other penalty shall not be construed to prevent the enforced removal of prohibited conditions or to postpone any action required.

(f) The remedies herein set out for the purpose of enforcing the provisions of this chapter shall not be deemed to be exclusive, but shall be cumulative of all other remedies, civil or criminal, provided by the laws of Georgia, or by the ordinances of the City of Barnesville.

Sec. 18-144. – Regulations for Mobile Food Vendors and Mobile Food Service Units and Miscellaneous Provisions.

(a) No Mobile Food Vendor shall conduct business on public streets or in the public right-of-way except as part of a city-sponsored or approved special event permit.

(b) Mobile Food Vendor operations shall be limited to the parking areas of privately owned, non-residential property, except that Mobile Food Vendors may be allowed on privately owned residential property in conjunction with a private gathering or non-profit event held in compliance with all laws and ordinances of the City of Barnesville, which will make no use of public property, including streets, other than for lawful vehicular parking.

(c) A Mobile Food Vendor may sell food and non-alcoholic beverages items only.

(d) Any and all drivers of a Mobile Food Service Unit must possess a valid Georgia driver's license.

(e) All Mobile Food Vendors shall maintain proof of a one-million-dollar ($1,000,000.00) liability insurance policy, issued by an insurance company licensed to do business in the State of Georgia, protecting the Mobile Food Vendor, the Mobile Food Service Unit, the public, and the City of Barnesville from all claims of damage to property and bodily injury, including death, which may arise

from operation under or in connection with the permit. Such insurance shall name the City of Barnesville as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advanced written notice to the City.

(f) An application for a license or a permit hereunder shall be submitted to the City of Barnesville setting forth all information required hereunder and in compliance with this ordinance. This permit will be obtained from the City, as appropriate, prior to operating a food truck and will be posted in the front window of the food truck vendor vehicle. Permits issued under this ordinance shall expire one year from the date issued.

The following information shall be provided with each application:

a. Name of the mobile food vendor;
b. Make, model, and license plate number of the vending unit;
c. Owner's contact information;
d. Operator's contact information;
e. Driver License information of owner and of each employee;
f. Type of vendor;
g. Copy of the approved permit from the county health department;
h. List of operating locations and times;
i. Length of time at that specific location;
j. State of Georgia Sales Tax ID;
k. Signatures from property owners indicating consent for the use of their property; and
l. Signature of the applicant indicating agreement to compliance of this ordinance.

(g) The fee for a license issued under this article shall be provided in the Schedule of Fees located in the Revenue Manual for the City of Barnesville.

(h) Prior to issuance of the required permit under this article, any person or entity operating as a Mobile Food Vendor shall execute an indemnity agreement indemnifying and releasing the City of Barnesville, its agents, employees, and elected officials from any and all liability against any and all claims, actions, and suits of any type whatsoever.

(i) Prior to the issuance of the required permit under this article, a Mobile Food Vendor shall submit the written, notarized consent of the private property owner upon whose lot it is requesting to operate, a valid food service permit obtained from the Lamar County Health Department, proof of liability insurance, the indemnity agreement releasing the City of Barnesville, and a valid Georgia driver's license, to the City of Barnesville. The Mobile Food Vendor permit, written consent of the property owner, food service permit, and Georgia driver's license must be readily available for inspection within the vehicle at all times during hours of operation.

(j) No Mobile Food Service Unit shall be located within 200 linear feet of an entrance to an existing food service establishment except as part of a city sponsored or sanctioned special event. Additionally, no Mobile Food Service Unit shall not be located within fifteen (15) feet of any street intersection or pedestrian crosswalk or ten (10) feet of any driveway except as part of a city sponsored or sanctioned special event.

(k) A Mobile Food Service Court, unless allowed under a City special event permit or sanctioned event, is not allowed within the city limits unless approved by the City Manager.

(l) Except as otherwise may be allowed as part of a city issued special event permit, Mobile Food Vendors shall not operate between the hours of 9:00 p.m. and 7:00 a.m. daily and Mobile Food Service Units shall not be left unattended, parked, or stored on a vending site during the restricted hours of operation or while not actively vending. All Mobile Food Service Units must return to their base of operations when not in use.

(m) Except as may be allowed during a city-sponsored event or approved special event, no more than one (1) Mobile Food Service Unit may operate on a single property at any one time.

(n) Except as may be allowed as part of a city issued special event permit, Mobile Food Service Units may only be permitted to operate on a particular parcel no more than five (5) days in any calendar month. A minimum of two calendar days must transpire between operating periods on any given parcel.

(o) No external speakers, sound equipment or other devices shall be used to play music or omit noises for the purpose of advertising the Mobile Food Service Unit's location while vending.

(p) No flashing, blinking, or strobe lights shall be used on or within a Mobile Food Service Unit.

(q) No Mobile Food Service Unit shall be permitted to have or operate as a vehicular drive-through facility or drive-up window.

(r) Except as otherwise allowed and described within this section, a Mobile Food Vendor must operate from a motorized, wheeled vehicle that may lawfully be driven upon streets and roadways with the state.

(s) All Mobile Food Service Units shall be equipped with a reverse gear signal alarm that is distinguishable from the surrounding noise level and rear-vision mirrors, firmly attached, on each side of the vehicle.

(t) Free-standing signs or signage that projects from the body of the Mobile Food Service Unit shall be prohibited. No sign used on a Mobile Food Service Unit shall be illuminated, flash, or produce motion.

(u) Mobile Food Service Units shall only be open for business when positioned on hard-surfaced, designated parking areas and shall not block driveway entrances, parking lot aisles, access to loading areas, or emergency access or fire lanes.

(v) Except as may be allowed as part of a city issued special event permit, mobile food vendors may occupy no more than ten (10) percent of the designated parking spaces on a given parcel, and at no time shall the operation of a mobile food vendor reduce the number of parking spaces on a parcel below the minimum required by the city code/ordinance.

(w) Each Mobile Food Vendor shall provide at least one trash receptacle for its patrons that is regularly emptied and shall remove all such waste materials before departing from the site. Such waste materials shall be disposed of at the Mobile Food Vendor's base of operations. The Mobile Food Vendor shall be responsible for maintaining the area around their vehicle clear of trash and debris at all times.

(x) The dumping of gray water, grease, or other waste liquids on public or private property or into storm drains shall be prohibited.

Sec. 18-145. – Ice Cream Trucks.

Permittees selling ice cream from a motor vehicle and mobile food vendors shall be subject to this Chapter except as provided in this Section.

(a) Permittees selling ice cream from a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vehicle stops, all sound equipment or other devices used to notify customers of the presence of the permittee shall be stopped and shall not resume until the vehicles is again put in motion.

(b) No permittees selling ice cream from a motor vehicle using sound equipment or other methods of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily.

(c) No permittees selling ice cream from a motor vehicle shall stop or stand and do business for more than 30 minutes at the same location.

This ordinance adopted this the 4th day of December 2023 by the Mayor and City Council of the City of Barnesville.