

**AN ORDINANCE TO REGULATE FOOD TRUCKS, TO PROVIDE FOR DEFINITIONS, ADMINISTRATION, APPLICATION PROCEDURE AND CONTENTS, DUTIES OF PERMIT HOLDER, DISPLAY OF PERMIT AND IDENTIFICATION, LIABILITY AND INSURANCE REQUIREMENTS, REQUIREMENTS FOR MOBILE FOOD VENDOR SALES, FIRE SAFETY REQUIREMENTS, SUSPENSION OR REVOCATION OF PERMIT, PENALTIES FOR VIOLATIONS, AND LIMITATIONS**

BE IT ORDAINED by the Mayor and Council of the City of Brooklet, and it is hereby ordained by authority of the same, that the Code of Ordinances of the City of Brooklet be, and the same is hereby amended by adding a new Article VI to Chapter 26, as follows:

**ARTICLE VI.-MOBILE FOOD SERVICE**

**Sec. 26-180.-Definitions.**

*Base of operation* means a food service establishment, or any other permitted locations in which food, containers or supplies are kept, handled, prepared, packaged, stored or placed in containers for subsequent transport, sale or service elsewhere.

*Business* means any person who in the City of Brooklet, Bulloch County engages in, causes to be engaged in, or represents to be engaged in special sales with the object of gain, benefit or advantage, either directly or indirectly.

*Festival* means an often-periodic celebration or program of events or entertainment having a specified focus and permitted by the city council.

*Food truck* means and encompasses all Mobile Food Service Units with the exception of pushcarts. Food trucks shall be no larger than 34 feet by eight feet.

*Manager* means the City Manager of Brooklet, Georgia, or his or her designee which may be a person, department, agency, committee or other entity so designated by the Manager. In the event that there is no City Manager of Brooklet, Georgia at any given time, the Mayor of the City of Brooklet, Georgia shall be the Manager for purposes of this ordinance.

*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.

*Mobile food vendor* means any person or persons selling food or beverages from a Mobile Food Vendor Unit.

*Mobile food vendor unit* means a motorized vehicle or trailer licensed to travel on public roads that is used for selling food and/or non-alcoholic beverage items to the general public.

*Private property event* means an event on private property for a birthday party, wedding, family reunion, or similar celebratory event that does not meet the definition of Festival or Special Event, and has a duration of no more than eight consecutive hours.

*Special event* for purposes of this ordinance shall have the same meaning as set forth in the City of Brooklet's special events ordinance set forth in Section 26-151 of this Code.

**Sec. 26-181. Administration.**

- (a) *Authority of manager.* The Manager of Brooklet, Georgia, shall have the authority to administer the provisions of this chapter and to promulgate reasonable administrative rules and procedures compatible with the public interest.

- (b) *Application.* Application for a permit to engage in any activity regulated by this Article shall be made on a form prescribed by the Manager. Applications for mobile food vendors shall be made with the city clerk. All applicable fees for such permits shall be paid prior to the issuance of any permits.
- (c) *Sales only from assigned locations permitted.*
  - (1) Special events; festivals; private property. Permitted Mobile Food Vendor Units shall only be allowed to engage in street sales, or on private property with written permission of the property owner, in locations predetermined by the Manager in association with a Special Event or Festival, or on private property with written permission of the property owner at a Private Property Event.
  - (2) Year-round locations. Permitted Mobile Food Vendor Units shall be allowed to engage in sales at the old Police Department parking lot located at 102 East Lee Street and at the Festival Ground located at 109 Railroad Street, between the hours of 8 o'clock A. M. and 8 o'clock P. M. each day, but must return each day to its base of operation for the purpose of dumping wastewater, refilling water tanks and restocking supplies.
- (d) *Permit required.* It shall be unlawful for any person, group, business or other organization to engage in Mobile Food Vendor sales without having obtained a valid permit for the sales activity to be conducted. The permit required under this section shall be in addition to any other license, permit or certificate required by other laws and regulations, including the occupation tax ordinance set forth in Article III of this Chapter.
- (f) *Duration of permit.*
  - (1) Permits for Mobile Food Vendors are limited to the dates and times associated with the Special Event or Festival to which they are attached, or for the duration allowed on private property for a Private Property Event, or annually at the 102 East Lee Street and 209 Railroad Street locations (January 1 through December 31 of each year, with the permit fee for any partial year to be prorated).
  - (2) A permit shall not be transferable, and a transfer of ownership shall be considered as the termination of such business and the establishment of a new business. A new permit shall be required for each new owner of the Business.
- (g) *Fees.* There shall be an application fee and a permit fee which may be set or amended by simple motion and vote of the City Council, and shall be set forth on a schedule of fees located at City Hall.
- (h) *Federal and state tax identification required.* In addition to any other information required by the Manager, every application for a permit to conduct Mobile Food Vendor sales shall contain the current federal and state tax identification numbers issued to the applicant for such business.

**Sec. 26-182. Application procedure and contents.**

- (a) Applicant's name, current address, telephone number, email address;
- (b) Vending location sought;
- (c) Size of vending station (length, width, height);
- (d) Make, model and license plate number, together with a photograph of the mobile food service unit;
- (e) The corporate, and where applicable, trade name of the Base Of Operation associated with the Mobile Food Service Unit, together with a copy of the Base Of Operation's occupation tax certificate. Where the Base Of Operation is located outside of the Brooklet corporate limits, the applicant shall provide evidence of licensing in the Base Of Operation's home jurisdiction;
- (f) A copy of an approved permit and inspection certificate for the Base Of Operation issued by the Health Department or Georgia Department of Agriculture;
- (g) Completed food safety training certification;
- (h) The exact times during which the vendor intends to vend on the proposed property;
- (i) State department of revenue retail identification tax number;

- (j) State I.D.;
- (k) A general description of the food being sold at the proposed vending location; and
- (l) Signature under oath of the applicant attesting that information being provided to the city is accurate and true.
- (m) If the vending location is on private property, written permission from the private property owner satisfactory to the Manager;
- (n) A site plan.

**Sec. 26-183. Duties of permit holder.**

- (a) Food Trucks shall not conduct business within a public right-of-way, with the exception of a Festival or Special Event recognized by the City of Brooklet;
- (b) No operator or employee of a Food Truck may, at any time, utilize amplified sound devices;
- (c) Food Trucks shall comply with the city's grease interceptor standards;
- (d) Provide and display in a prominent location that is visible to the public at all times that business is being conducted, their Georgia Department of Public Health Mobile Food Service Unit permit (not required to be specific to Bulloch County), together with all applicable health certificates, including food inspection reports pertaining to the unit; and
- (e) When conducting business, Food Trucks shall provide no less than nine feet of unobstructed horizontal pedestrian clearance, as measured from the main service window or as specified by permit.

**Sec. 26-184. Display of permit and identification.**

It shall be unlawful for any person engaged in mobile food vending to fail to have the proper permit prominently displayed in such a location and in such a manner to be conspicuous and visible while engaged in the permitted activity. In addition, any Mobile Food Vendor engaged in the sale of food or food products regulated by the health department shall be required to display the proper food permit in the same manner.

**Sec. 26-185. Liability and insurance.**

- (a) The permittee agrees to indemnify, defend, save, and hold harmless the City of Brooklet, its officers and employees, from any and all claims, liability, damages, and causes of action which may arise out of the permit or the permittee's activity. Proof of such waiver shall be filed with, and made a part of, the permit application form.
- (b) The permittee agrees to meet and maintain for the entire permit period, at its own expense, the following requirements:
  - (1) Commercial general liability insurance in an amount equaling or exceeding \$500,000, insuring against bodily injury and property damage. The City of Brooklet must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement. The Manager may also accept blanket insurance by an event sponsor in lieu of individual insurance certificates from the Mobile Food Vendor(s).
  - (2) The permittee must provide an original certificate of insurance as evidence that the above requirements have been met prior to issuance of a permit.

**Sec. 26-186. Mobile food vendor sales—Generally.**

- (a) *Removal of litter.* Every Mobile Food Vendor shall be responsible for removing all litter and other trash from all locations and the surrounding area each day. For multi-day Festivals or Special Events, the Mobile Food Vendor is responsible for removing all litter and other trash for every day the Festival or Special Event is

ongoing. Sidewalk trash receptacles shall not be used for any trash related to vendor sales, such as discarded boxes and other large containers used for packaging food or other items.

- (b) *Disposal of liquids.* The dumping and/or draining of water, grease or any other liquid onto the pavement or ground is expressly forbidden. Mobile Food Vendors are responsible for containing all liquids within their units and disposing of the same in a proper way off site.
- (c) *Trash receptacles.* Each Mobile Food Vendor must provide at least one trash receptacle and one container for recyclable materials for use by its customers. The Mobile Food Vendor is responsible for disposal of trash and recyclables in its containers and shall not use the public receptacles for this purpose. The Mobile Food Vendor shall always keep the area clean and free of trash and debris.
- (d) *Eating area and displays.* Tables, benches, chairs, displays, or other items not attached to the Mobile Food Vendor unit are permitted in addition to the required trash receptacle, recyclables container, and one table for condiments not exceeding a size of three feet by six feet, provided they are identified and approved through the permit process. All such items shall be removed prior to the Mobile Food Vendor Unit departing the area.
- (e) *Health department regulations.* Mobile Food Vendor Units shall be operated in accordance with all applicable health department rules and regulations.
- (f) *Assignment of locations.* The assignment of locations for street merchants shall be compatible with the public interest and use of sidewalk areas and public rights-of-way and shall take into consideration the proximity of existing public and private property (benches, bus stop, loading zones, building entrances, display windows, vehicular and pedestrian traffic patterns, etc.), proximity to other assigned street merchant locations, and the like, in order to ensure that there will not be pedestrian and street congestion or obstruction and in order to contribute as effectively as possible to the intent of this section.
- (g) *Power sources.* Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.
- (h) *Unattended units.* Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place during restricted hours of operation.

#### **Sec. 26-187. Fire safety.**

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

### **Sec. 26-188. Suspension or revocation of permit.**

In addition to any other penalties provided for in this chapter, the Manager may suspend or revoke a permit issued under this chapter for the following causes:

- (1) Violating any federal, state or local law or regulation.
- (2) Failing to permit any lawfully requested inspection by health officials or to comply with any lawful request of a police officer or the manager.
- (3) Failing to possess and properly display at all times the permits and identification required under this chapter.
- (4) Having a display that is not in compliance with these regulations.
- (5) Conducting sales permitted for an authorized location in any area other than the space designated by the permit unless approved by the Manager.
- (6) Failure to keep the sales locations, whether assigned or unassigned, clear of trash or debris or failing to pick up, remove and dispose of all trash or refuse remaining at the location at the close of business each day.
- (7) Offering for sale any goods, merchandise or services other than those approved and identified on the permit.
- (8) Keeping animals of any kind near the sales location. This prohibition shall not apply to seeing-eye dogs.
- (9) Misrepresenting any information required on any application for a permit; failing to provide the information required by this chapter; or failing to provide any relevant information sought by the manager in the administration of this chapter.
- (10) Violating any provision of this Article.

### **Sec. 26-189. Penalty.**

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: \$250.00.
- (2) Second violation within 12 months following the first violation: \$375.00.
- (3) Third violation within 12 months following the first violation: \$500.00 and revocation of the mobile food service unit approval. Mobile Food Service Unit approvals will be revoked for six months from the date of the third violation.

### **Sec. 26-190. Limitations.**

Nothing in this article shall limit the city from enforcement of its codes, 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, 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.

#### **SEVERABILITY**

In the event any part or parts of this ordinance are determined by any court to be unconstitutional or unlawful, the portion or portions of this ordinance so determined shall be deemed stricken herefrom, and the remaining part or parts of this ordinance shall remain enforceable.

**EFFECTIVE DATE**

This ordinance shall become effective upon adoption.

This 16th day of may, 2024.

CITY OF BROOKLET, GEORGIA

BY: [Signature] (SEAL)  
Mayor

ATTEST:  
[Signature] (SEAL)  
Clerk

