

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF
MAYSVILLE, GEORGIA, TO REGULATE MOBILE FOOD VENDORS, SET HEALTH
AND SAFETY RULES, AND REGULATE USE OF CITY RIGHTS-OF-WAY**

WHEREAS, the City of Maysville, Georgia is a municipality duly constituted and existing pursuant to Georgia law; and

WHEREAS, the City now desires to amend the Code of Ordinances to provide specific provisions for the licensing and regulation of food truck vendors;

WHEREAS, the Mayor and Council have determined that regulations for the operation, location, and licensing of food truck vendors are needed to protect the health, safety, and welfare of the residents of the City of Maysville; and

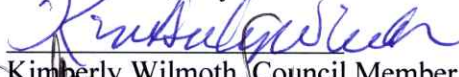
NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Maysville, by the lawful authority vested in them, that Chapter 6 is hereby amended as adding the following:

- I. **[See Chapter 6 ordinance as attached.]**
- II. All ordinances or parts of ordinances in conflict with this ordinance are repealed.
- III. Should any provision of this ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the City Council.
- IV. This Ordinance shall take effect January 4, 2025.

ADOPTED this 3 day of January, 2025.


ATTEST


Kim Jackson, City Clerk


Kimberly Wilmoth, Council Member


Amanda Farley, Council Member

City of Maysville


Richard Presley, Mayor


Richard Parr, Council Member


Brodrich Jackson, Council Member

ARTICLE I. MOBILE FOOD VENDORS

Sec. 6-1. Purpose.

The general purpose of this article is to promote the health, safety, and general welfare of the citizens of Maysville, Georgia by requiring that new and existing mobile and temporary food establishments provide residents and customers with a consistent level of cleanliness, quality and safety.

It is also the intent of this article to establish reasonable guidelines and restrictions for mobile and temporary food establishments in relationship to established restaurant businesses and ensure the safe and convenient use of the public rights-of-way.

Sec. 6-2. Definitions.

- (a) *Mobile food vendor* shall mean any vending unit, truck, trailer, temporary establishment or pushcart that is not a permanent restaurant that serves food or drink to the public. For the purpose of licensing, mobile food vendors shall be defined as one of the following:
 - (1) *Food truck vendor* shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.
 - (2) *Ice cream truck* shall mean a motor vehicle in which 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.
 - (3) *Pushcart* shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.
 - (4) *Temporary food establishment* shall mean a retail food establishment, other than a licensed food truck vendor or pushcart, that is not intended to be permanent and that operates at a fixed location in conjunction with a single event or celebration.
- (b) *Commissary* shall mean an approved catering establishment, restaurant, or other location approved by the governing body of the jurisdiction in which it is located in which food, containers or supplies are kept, handled, prepared, packaged or stored as related to a mobile food vending unit.
- (c) *Extended/mobile food permit* A food service permit acquired from the Georgia Department of Public Health on a yearly basis that allows a mobile food vending unit to be allowed at preapproved areas.
- (d) *Vending site* shall mean a mobile retail food establishment location at which a mobile food vendor is permitted to offer food for sale. Vending site shall not refer to the commissary or place at which the mobile food vendor unit is approved to be stored when not in use.

Sec. 6-3. License required.

- (a) It shall be unlawful for any person or business to sell, or offer for sale, food of any type from a food truck, ice cream truck, pushcart or temporary food establishment without a license first having been granted under this section, except when a permit is not required in accordance with the department of public health.
- (b) The license requirements herein may be waived by the City of Maysville for an event hosted by the City of Maysville, or a special event hosted by a non-profit. Any permits that shall be required by the department of public health will still be required.
- (c) An application for a license hereunder shall be submitted to the City of Maysville setting forth all information required hereunder and in compliance with this ordinance. The City of Maysville shall develop a form of application for the purpose of compliance with this article.
- (d) When applicable, the following information shall be provided with each application for a mobile food vendor license:
 - (1) Name of the mobile food vendor;
 - (2) Type, make, model, and license plate number of vending unit;
 - (3) Owner's contact information;
 - (4) Operator's contact information;
 - (5) Copy of approval to vend from the Jackson or Banks County Department of Public Health;
 - (6) Copy of approved permit from Georgia Dept of Agriculture (for ice cream trucks only);
 - (7) List of proposed operating locations and times the mobile food vendor will be in operation;
 - (8) Signatures from property owners indicating consent for the use of their property;
 - (9) Signature of applicant indicating agreement to comply with the requirements listed in this ordinance.

Sec. 6-4. Prohibited conduct and requirements.

- (a) The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.
- (b) The license under which the mobile food vendor is operating must be firmly attached and visible on the mobile food vending unit or structure at all times.
- (c) Food service licenses issued under this ordinance do not allow for alcohol. Mobile food vendors dispensing alcohol will be required to obtain any applicable alcohol licenses from The City of Maysville and the State of Georgia.

- (d) Food vending shall only be conducted from the vending unit or structure and customer seating shall not be provided by the mobile food vender.
- (e) A mobile food vendor shall maintain a \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the food truck vendor, the public and the city from all claims for 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 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) Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the vending unit either while traveling on the public rights-of-way or when stationary. At all times said mobile food vendor shall be in compliance with the City of Maysville noise ordinance.
- (g) Except as may be allowed as part of a city-hosted special event, vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- (h) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the food truck vendor licensee.
- (i) The following safety regulations shall apply to any and all vehicles operating as vending units under this article:
 - (1) Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
 - (2) Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.
- (j) Food truck vendors:
 - (1) Any driver of a food truck vendor motorized vehicle must possess a valid driver's license.
 - (2) Except as otherwise allowed and described within this article, a food truck must operate from a motorized, wheeled vehicle that may lawfully be driven upon streets and roadways within the state.
- (k) Vending locations:
 - (1) Except in participation with a city-hosted special event or private event not open to the public, mobile food vendors shall only be permitted to operate in areas approved by the City of Maysville set forth in the Mobile Food Vending Areas Map as shown in Exhibit 6A.
 - (2) A mobile food vendor shall not operate on any private property without the written consent of the owner, a copy of which shall be maintained in the mobile food vending units or structure.

- (3) Mobile food vendors shall not be located within 15 feet of any street intersection or pedestrian crosswalk or ten feet of any driveway.
- (4) Except as may be allowed as part of a city-hosted special event, no mobile food vendor, except for ice cream trucks, shall conduct business or operate in the public right-of-way.
- (5) Except as may be allowed as part of a city-hosted special event, mobile retail food establishments are permitted on a given property no more than two consecutive days and no more than ten days in any calendar month. A minimum of two calendar days must transpire between operating periods on any given property.
- (6) Except as may be allowed as part of a city-hosted special event, operating a mobile retail food establishment may occupy no more than ten percent of the designated parking spaces on a given property, and at no time shall the operation of a mobile food vendor reduce the number of parking spaces on a property below the minimum required by City Code or ordinance.
- (7) The placement of the mobile retail food establishment shall not impede the flow of traffic or cause any potential safety hazards to pedestrians or vehicles.
- (8) Except as may be allowed as part of a city-approved special event, mobile food vendors shall not be located within 200 feet of the nearest corner of any existing food service establishment during its hours of operation without prior written permission from the food service establishment a copy of which shall be maintained in the mobile food vending units or structure.
- (9) Mobile food vendors shall not be located within 200 feet of any city-hosted or sanctioned special event, unless the mobile food vendor is licensed by the city to operate at such an event.

Sec. 6-5. Indemnity.

As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the City of Maysville, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

Sec. 6-6. Revocation and suspension.

The city shall have the right to revoke or suspend any license granted hereunder if the mobile food vendor is found in violation of this ordinance, or any other city ordinance or regulation, or if the mobile food vendor is found to be creating a danger to public health.

Sec. 6-7. Fee.

The fee for every application for license under this section shall be set by the city council.

Exhibit 6A - Mobile Food Vending Map