

## **Article II – Mobile Food Service**

### **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. Its menu is limited to the preparation and serving of hot dogs or fully cooked encased sausages requiring reheating only, condiments such as commercially prepared chili dispensed from approved dispensers, and commercially prepared, prepackaged, time/temperature control for safety foods such as burritos and tamales, served in their original packing, requiring reheating only or limited servicing non-time/temperature control for safety foods. Pushcarts shall be no larger than 5x10 feet.

### **Section 6-2703. Permit 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 permits will be issued annually based on the calendar year. No permit 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 Permit; and
- (3) A City of Savannah Business Tax Certificate

(c) *Mobile food service unit permit application - contents.* Applicants seeking a Mobile Food Service Unit Permit shall submit, on an annual basis, an application for such permit 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 and the natural person(s) who will be operating the mobile food service unit, if different from the owner(s). A permit 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 for the mobile food service unit issued by the Chatham County Public Health Department or Georgia Department of Agriculture;

(5) 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;

(6) 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;

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

(8) Where temporary seating is provided, a scaled drawing for each site indicating where the seating will be located and number of seats to be furnished;

(9) Estimated annual revenues for new operations or professionally-certified actual annual revenues for existing units;

(10) A copy of the mobile food service unit's food and beverage menu;

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

(12) Application for permit 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: permit denial; refusal to renew a permit; permit revocation; permit 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 to solicit patrons or otherwise advertise the food

truck's goods and services. Food trucks shall comply with the City's Noise Control Ordinance, as amended.

(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 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 pedestrian space, 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.

(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.

(12) Food trucks may not conduct business within 200 feet, as measured in the most equitable and common sense manner, of any fixed food service establishment that sells the same or predominantly similar food products.

(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) Food trucks may provide temporary seating for customers; provided, however, that such seating is not located in the right-of-way or any other public space. A scaled drawing must be submitted with the application which indicates the proposed dimensions and layout of the proposed temporary seating area.

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

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

(1) Push carts 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 push cart has received pre-approval from the City Manager.

(2) No operator or employee of a push cart may, at any time, utilize amplified sound devices to solicit patrons or otherwise advertise the push cart's goods and services. Push carts shall comply with the City's Noise Control Ordinance, as amended.

(3) The 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.

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

(5) When conducting business, push carts shall provide no less than six feet of unobstructed pedestrian space, as measured from the main service window.

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

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

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

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

(10) Push carts may not furnish temporary seating.

**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.* No combustible gas fuel tank or cylinder may be connected while the mobile food service unit is traveling upon any street, road or highway.

(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.* Mobile food service units are prohibited from igniting, starting or operating any appliances requiring heat, electricity or combustible gases while traveling upon any street, road or highway.

(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 permit and reject all applications for a mobile food service unit permit 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 permit.

(d) Citations for code violations shall be heard by the Recorder's Court of Chatham County.

(e) 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 permit.

(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- 2750 Reserved.**