

AN ORDINANCE AMENDING CHAPTER 18 OF THE CITY OF THOMASVILLE, GEORGIA ENACTING NEW PROVISIONS ESTABLISHING PERMITTING REQUIREMENTS AND REGULATIONS FOR MOBILE FOOD UNITS OPERATING WITHIN THE CITY LIMITS, REPEALING ALL INCONSISTENT ORDINANCES AND PROVISIONS, ESTABLISHING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the City Council of the City of Thomasville, Georgia, that Chapter 18, Taxation, Revenue and Miscellaneous Business Regulations, of the Code of Ordinances of the City of Thomasville be and is hereby amended by text revisions for clarification in Section 18-395, Temporary vending provisions for licensed businesses, as follows:

Sec.18-395. *Temporary vending provisions ~~for licensed businesses.~~*

Parking lots or vacant areas located on a licensed business ' property shall be deemed public areas and may be utilized as temporary, limited or seasonal promotional space for that licensed business' use only. Temporary, separate, or other businesses located upon the operational premises of a licensed business or a nonresidential lot containing a principal building or use, including parking areas, loading & unloading zones, buffer, landscaped, or green space areas, shall be deemed in violation of the zoning code ~~sections 22-10, 22-12, and 22-18~~ , unless a temporary vending permit is issued. A temporary vending permit shall specifically include a Mobile Food Vending Location Permit as such term is described in Section 18-562, of Article XVI, of this Code. This prohibition shall not apply to requests for contributions or casual and isolated sales ~~or requests for contributions~~ by authentic, bona fide charitable organization recognized as tax exempt under section 501(C)(3) of the Internal Revenue Code or contributions to which are deductible under Section 170 of the Internal Revenue Code, so long as same shall comply with the regulations contained in article VI-A of this Code.

SECTION II

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Chapter 18, Taxation, Revenue and Miscellaneous Business Regulations, of the Code of Ordinances of the City of Thomasville be and is hereby amended by adding a new Article, to be numbered Article XVI, which shall include the following language:

ARTICLE XVI. – MOBILE FOOD SERVICE

Sec. 18-557. *Purpose.* 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

economic development opportunities for entrepreneurs and microenterprises within the City.

Sec. 18-558. *Scope.* The regulations and requirements in this article shall apply to the operation of all Mobile Food Service Units within the corporate limits of the City.

Sec. 18-559. *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section.

- a. *Base of Operation* means a fixed location with a food service permit from the Georgia Department of Public Health from which a Mobile Food Service Unit operates.
- b. *Food Vending Location* means a fixed property location where a Mobile Food Service Unit parks to offer its food products to its consumer.
- c. *Health Authority* means the Georgia Department of Public Health, or a County Board of Health acting as its agent.
- d. *Mobile Food Service Establishment* means one or more Mobile Food Service Units operating from a single Base of Operation and under the managerial authority of one individual or entity.
- e. *Mobile Food Service Unit* means a trailer, motor driven or manually propelled pushcart, food truck, movable portable structure, vehicle vendor, or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale.

Sec. 18-560. *Approvals and Permits Generally.*

- a. No person shall operate a Mobile Food Service Unit within the corporate limits of the City without obtaining and maintaining the applicable licenses and permits required by the health authority or any governmental agency of the United States, State of Georgia, Thomas County, or this City.
- b. All City permits issued under this article will be issued annually based on the calendar year. Every permit issued under the provisions of this article shall expire on December 31 of the year in which it is issued, except that any renewal permit which may be issued prior to January 1 of the renewal year will be valid through December 31 of the renewal year.
- c. Unless issued in error, no permit issued under this article may be prorated, transferred, or assigned to another person or entity.
- d. If the Health Authority revokes or suspends a permit or authorization it has issued for a Mobile Food Service Unit, then any permit issued by the City for that Mobile Food Service Unit is automatically and simultaneously suspended or revoked for the same period as the Health Authority-issued permit or authorization.

Sec. 18-561. *City Permits Required.*

- a. Any mobile food service establishment intending to operate a mobile food service unit within the corporate limits of the city shall obtain:

- i. a Mobile Food Service Unit Operating Permit for each mobile food service unit prior to commencing operations; and
- ii. a separate Mobile Food Vending Location Permit for each food vending location that is located on privately-owned property prior to operating at said location.

Sec. 18-562. *Application for City Permits.* The following provisions apply to applications for permits under this article.

a. *Applications generally.*

- i. Applications for permits under this article must be submitted on forms approved by the City Manager and provided by the City along with all reasonable information necessary to complete the form(s), as determined by the City Manager.
- ii. All applications must be accompanied by a non-prorated, non-refundable application fee in an amount set by the City Council as shown on the fee schedule maintained in the office of the City Clerk.
- iii. Applications for renewal of any permit issued under this article may be submitted up to 60 days prior to or upon expiration of such permit.

b. *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 they meet 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: denial; refusal to renew; revocation; or suspension.

c. *Mobile Food Service Unit Operating Permit.*

A Mobile Food Service Unit Operating Permit must be obtained for each mobile food service unit and shall be issued to the owner of the mobile food service establishment or in the case of an owner that is a legal entity such as a partnership, corporation, limited liability company, the permit shall be issued in the name of such legal entity in care of the general or managing partner, president, or member or manager of such entity as the case may be. Applicants must provide:

- i. Copy of permits issued by the health authority for the base of operation and the mobile food service unit that is the subject of the application;
- ii. if Thomas County is not the location of the Base of Operation, a copy of the certificate of authorization to operate in Thomas County issued by the Health Authority;
- iii. Copy of the occupation tax certificate from the jurisdiction where the Base of Operation is located;

- iv. Valid vehicle and/or trailer registration for the Mobile Food Service Unit, if applicable;
 - v. Copy of the fire inspection certificate issued by Thomasville Fire Department for the Mobile Food Service Unit.
- d. *Mobile Food Vending Location Permit.*
A Mobile Food Vending Location Permit must be obtained for each food vending location that is proposed on private property. Applicants must provide:
- i. Valid Mobile Food Unit Operating Permit issued by the city for the mobile food service unit that is the subject of the application;
 - ii. Signed statement of the property owner, or an authorized agent acting on the owner's behalf, granting permission to the mobile food service unit to operate on the subject property in the designated food vending location.
 - iii. A scaled drawing illustrating the boundaries of the property, access routes for ingress and egress, the designated food vending location and placement of the mobile food service unit, and the locations of all existing site improvements, including buildings, parking areas, infrastructure, and landscaped areas. The site plan must demonstrate compliance with the food vending location site standards of this article.

Sec. 18-563. *Food Vending Locations on Private Property.*

- a. Food vending locations shall not be permitted on any lot that is undeveloped or where the primary use is single- or two-family residential.
- b. A food vending location on private property shall only be permitted on a lot containing a principal building or primary use other than single- and two-family residential.
- c. The maximum number of mobile food service units allowed at a food vending location per lot is limited as follows:
 - i. Maximum of 2 mobile food service units on lots of one-half acre or less;
 - ii. Maximum of 3 mobile food service units on lots between one-half acre and 1 acre; and
 - iii. Maximum of 4 mobile food service units on lots greater than 1 acre.
- d. Mobile food service units may not conduct business in a location that blocks or impedes pedestrian or vehicular traffic flow or compromises safe access to the property or its primary structures. Mobile food service units shall not be located in any required buffer or sight distance triangle.
- e. Mobile food service units must be located at least five (5) feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit, or emergency access/exit way, or emergency call box. Mobile food service units must be located a minimum distance of fifteen (15) feet in all directions of a fire hydrant.

- f. Mobile food service units must be located at least 100 feet from the main entrance to any restaurant, as measured from the location of a mobile food service unit on the approved site plan, unless the owner of a restaurant falling within the 100-foot minimum separation distance provides a signed statement consenting to a closer proximity. If a restaurant locates within the minimum separation distance after the food vending location has been permitted, mobile food service units may continue to operate from the food vending location until the expiration of the permit.

Sec. 18-564. *Operational Requirements for Mobile Food Service Units.*

- a. No mobile food service unit shall conduct business or operate on any street, sidewalk, or other public right-of-way or on any city-owned property, including, but not limited to, parks.
- b. When operating on privately-owned property, the location and orientation of the mobile food service unit shall conform to the site plan approved by the issuance of the Mobile Food Vending Location Permit.
- c. When conducting business, mobile food service units shall provide no less than ten (10) feet of unobstructed horizontal pedestrian clearance on private property, as measured from the main service window.
- d. A copy of all city-issued permits must be kept with the mobile food service unit and displayed in a location plainly visible to the general public.
- e. Mobile food service units shall not conduct business with any person while such person is situated in a motor vehicle.
- f. No mobile food service unit shall sell or offer for sale any alcoholic beverages.
- g. No mobile food service unit may, at any time, utilize amplified sound devices that are audible outside of the unit.
- h. The hours of operation for mobile food service units shall be limited to the hours between 7 AM and 9 PM if the approved food vending location is located within 150 feet of the property line of a single-unit or two-unit dwelling.
- i. Mobile food service units shall not be left unattended at food vending locations.
- j. A mobile food service unit that requires a valid driver's license for operation shall have a person present at all food vending locations with a valid driver's license and ability to relocate or remove the unit.
- k. A mobile food service unit must be removed from its food vending location daily and shall not be stored or parked on any public right of way.
- l. Each mobile food service unit shall provide a suitably-sized receptacle for litter, which shall be located within ten (10) feet of the service window of the Unit. It shall be maintained and regularly emptied.
- m. 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.
- n. No liquid waste or grease may be left at a food vending location or disposed of in public waste containers, landscaped areas, storm drains or onto the sidewalks,

streets, or other public space. under no circumstances may grease be released or disposed of in the city's sanitary sewer system.

- o. 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, and rules.

Sec. 18-565. *Exemptions During Special Events.*

- a. A mobile food service units shall not be subject to the operational provisions set forth under Section 18-564 of this article if permitted to operate as part of a City-sponsored and organized event or as part of an otherwise permitted special event held on City property, including rights-of-way, and for which pre-approval from the City Manager or their designee has been given.
- b. The City Manager or their designee shall have the right to require reasonable event-specific conditions for operating a Mobile Food Service Unit during a permitted event as deemed appropriate taking into consideration the event in question and the circumstances under which the permitted event and Mobile Food Service Unit may be operating.

Sec. 18-566. *Noncompliance.*

- a. Violations of this article are subject to penalties under the provisions of Section 1-7 of this Code, which may be combined with any other legal remedy available to the City.
- b. 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.
- c. Nothing in this section shall be construed to limit or supplant the power of any City inspector 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.
- d. To ensure the continued application of the intent and purpose of this article, the City Manager, or the City Manager's designee, shall notify the Thomas County health department of citations issued for a mobile food service unit.

SECTION III

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Chapter 22, Zoning, of the Code of Ordinances of the City of Thomasville be and is hereby amended by adding new definitions for "Base of Operation," "Mobile Food Service Establishment," and "Mobile Food Service Unit" under Section 22-6, Definitions, as follows:

Sec. 22-6. *Definitions.*

Base of Operation means a fixed location with a food service permit from the Georgia Department of Public Health from which a Mobile Food Service Unit operates.

Mobile Food Service Establishment means one or more Mobile Food Service Units operating from a single Base of Operation and under the managerial authority of one individual or entity.

Mobile Food Service Unit means a trailer, motor driven or manually propelled pushcart, food truck, movable portable structure, vehicle vendor, or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale.

SECTION IV

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Chapter 22, Zoning, of the Code of Ordinances of the City of Thomasville be and is hereby amended by adding new lines 144 to the Schedule of Permitted Uses under Section 22-121 as follows:

Sec. 22-121. *Schedule of permitted uses.*

Schedule of Permitted Uses—"X": permitted by right; "CU": conditional use

	A	R-1A	R-1B	R-1	R-2A	R-2	C-1A	C-1	C-2	M	M-1	M-H	R-TH	R-CD	D-E	D-G	D-C
144. Base of operation for mobile food service establishments								X	X	X	X				X	X	X

SECTION V

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Chapter 22, Zoning, of the Code of Ordinances of the City of Thomasville be and is hereby amended by adding parking requirements for base of operation under Section 22-437, Off-street parking standards, as follows:

8. Miscellaneous	
a. Combined uses	Parking spaces shall be the total of the spaces required for each separate use established by the schedule.

b. Indoor and outdoor	(a) 1 space for each 150 square feet of gross floor, building, ground area or combinations devoted to use; or (b) 1 space per each 4 seats of facilities available for patron use, whichever is greater.
c. Recreation vehicle parks	1 space for recreation vehicle stall plus 1 space for each 2 employees.
d. Base of Operation (mobile food service establishments)	1 space for mobile food service unit plus 1 space for each 2 employees.

SECTION VI

BE IT FURTHER ORDAINED this ordinance shall become effective on January 1, 2024.

SECTION VII

BE IT FURTHER ORDAINED all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION VIII

BE IT FURTHER ORDAINED and it is hereby declared to be the intention of the Mayor and Council of the City of Thomasville that all sections, paragraphs, sentences, clauses, and phrase of this Ordinance are and were, upon their enactment, believed by the Mayor and the Council to be fully valid, enforceable, and constitutional.

SECTION IX

BE IT FURTHER ORDAINED and it is hereby declared by the Mayor and the Council of the City of Thomasville that (i) to the greatest extent allowed by law, each and every section paragraph sentence, clause or phrase of this Ordinance is severable from every other section paragraph sentence, clause or phrase of this Ordinance and (ii) that to the greatest extent allowed by law, no section paragraph, sentence, clause or phrase of his ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of his ordinance.

SECTION X

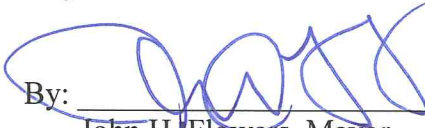
BE IT FURTHER ORDAINED and it is hereby declared that in the event that any phrase, clause, sentence, paragraph or section of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and the Council of the City of Thomasville that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that to

the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs or sections of this ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION VIII

This ordinance was introduced and read at a lawful meeting of the City council for the City of Thomasville, Georgia, held October 23, 2023, and read the second time, passed and adopted in like meeting held on November 13, 2023.

City of Thomasville

By: 
John H. Flowers, Mayor

Attest: 
Felicia Brannen, City Clerk

