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**ST. MARYS CITY COUNCIL
ST. MARYS, GEORGIA**

At the regular meeting of the St. Marys City Council, held in the St. Marys City Hall, St. Marys, Georgia:

Present:

- John F. Morrissey, Mayor
- Robert L. Nutter, Councilman, Post 1
- Elaine Powierski, Councilwoman, Post 2
- Jim Gant, Councilman, Post 3
- David Reilly, Councilman, Post 4
- Sam L. Colville, Councilman, Post 5
- Linda P. Williams, Councilwoman, Post 6

On motion of _____, which carried _____, the following Ordinance amendment was adopted:

AN AMENDMENT TO THE CODE OF ORDINANCES, CITY OF ST. MARYS, GEORGIA, CHAPTER 22 BUSINESS, ARTICLE VI – TEMPORARY SALES AND SOLICITORS AND STREET VENDORS TO PROVIDE FOR MOBILE FOOD SERVICE AND VENDING UNITS, INCLUDING DEFINING BASE OF OPERATION, FIXED FOOD SERVICE ESTABLISHMENT, FOOD TRAILER, FOOD TRUCK, MOBILE FOOD SERVICE AND VENDING UNIT, AND PUSHCART, WHILE ESTABLISHING PERMITTING AND LICENSING PROCEDURES, GROUNDS FOR GRANTING OR DENYING AN APPLICATION, OPERATIONAL REQUIREMENTS AND PROVISIONS, INCLUDING LITTER, FIRE SAFETY, SPECIAL EVENTS, ENFORCEMENT AND PENALTIES; WITH AMENDMENTS TO THE VENDING ZONE MAP, IDENTIFYING A VENDING ZONE AND WESTSIDE, MIDTOWN AND DOWNTOWN FOOD TRUCK ZONES.

Be it, and it is, hereby ordained by the Mayor and Council of the City of St. Marys, this __ day of _____, 2016 that Section 22 of the Code of Ordinances, City of St. Marys, Georgia is hereby amended to read as follows:

ARTICLE VI. - TEMPORARY SALES, ~~AND~~ SOLICITORS, MOBILE FOOD SERVICES AND VENDORS

FOOTNOTE(S):

--- (5) ---

Editor's note— An ordinance adopted Dec. 5, 2011, amended art. VI in its entirety to read as herein set out. Former art. VI, §§ 22-181—22-187, was entitled "Temporary Sales and Solicitors", and derived from: Ord. of Feb. 26, 2007(1).

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Sec. 22-181. - Intent and purpose.

50 It is the intent of this article to provide for the regulation of temporary sales, solicitors, mobile
51 food services and vendors within the city. The purpose of this article is to protect, maintain and
52 enhance public health, safety and general welfare by regulating temporary sales , solicitors,
53 mobile food services and vendors within the City of St. Marys. The citizens of St. Marys are
54 subject to unregulated temporary sales or solicitors and vendors by sometimes questionable
55 organizations or individuals with illegitimate products or no intent to deliver. It is the purpose of
56 this article to regulate temporary sales and solicitors and vendors to protect the public health,
57 safety and welfare; to establish uniform regulations for the operation of mobile food service
58 units; and to enhance street-level economic opportunities within the City.

59 (Ord. of 12-5-11)

60 **Sec. 22-182. - Definitions.**

61 For the purposes of this article, the following definitions shall apply:

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

65 *Block* means a parcel of land entirely surrounded by streets or highways, railroad rights-of-way,
66 waterways, or by a combination thereof.

67 *Fixed Food Service Establishment* means a non-mobile public or private establishment which
68 prepares and serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible
69 products directly to the consumer either for carry out or service within the establishment. The
70 term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns,
71 lunchrooms, places which retail sandwiches or salads, soda fountains, and similar facilities by
72 whatever name called. This term shall not apply to establishments offering food service
73 incidental to their operations.

74 Food Trailer includes all movable carts that can be hitched to a truck for transport and are no
75 larger than 20 x 10 feet, and no taller than 12 feet in height. Food trailers shall be required to
76 move at the discretion of the Community Development Director, Code Enforcement Official or
77 the City of St. Marys Emergency Service officers.

78 *Food Truck* encompasses all mobile food service units with the exception of pushcarts and
79 trailers. Food trucks shall be no larger than 30 x 10 feet and shall be required to move at the
80 discretion of the Community Development Director, Code Enforcement Official or the City of St.
81 Marys Emergency Service officers.

82 *Locally grown produce* means seasonal sales of products from Camden County or surrounding
83 counties, harvested or produced during the growing season, as evidenced by an occupational
84 tax license from the grower or producer.

85 *Mobile Food Service and Vending Unit* means a trailer, pushcart, vehicle or any other similar
86 conveyance operating as an extension of and under the managerial authority of the permit
87 holder of its permitted base of operation. The mobile food service unit and its permitted base of
88 operation together make a mobile food service establishment. There shall be no fixed or
89 permanent fixtures to a site, including, but not limited to, water, sewer, electricity, signage,
90 fencing or decking.

91 *Nonprofit organization* means organizations established for purposes other than generating
92 profit, including schools and community service organizations. Such organizations need not have
93 obtained tax-exempt status from the IRS.

94 *Pushcart* means a human propelled, self-contained, enclosed vending or food service cart that
95 operates at pre-determined locations as approved by the Health Authority and the City of St.
96 Marys. Menu items will be reviewed by the Permit Review Committee and approved by the
97 Community Development Director. Pushcarts shall be no larger than 5 feet wide x10 feet long x
98 10 feet high.

99 *Solicitor* means any person who goes from house to house, from place to place, or from street to
100 street soliciting or taking or attempting to take orders for any goods, wares or merchandise,
101 including books, periodicals, magazines, or personal property of any nature whatsoever for
102 future delivery, or seeking information, money, donations or financial assistance for any
103 purpose whatsoever, or soliciting or taking or attempting to take orders for services to be
104 furnished or performed in the future.

105 *Street vendor* means any person who establishes a location within the area so designated to sell
106 specific items as regulated by this article. This use may be reauthorized on a calendar year to
107 year basis as approved by city council.

108 *Temporary sales* means any person who goes from house to house, from place to place, or from
109 street to street, carrying or transporting goods, wares, or merchandise and offering or exposing
110 the same for sale, or making sales and deliveries to purchasers, or giving or leaving leaflets,
111 pamphlets or other items that promote or advertise the sale of goods or the provision of
112 services for profit.

113 (Ord. of 12-5-11)

114 **Sec. 22-183. – Temporary sales or solicitor permit requirement.**
115

116 Without having first registered with the community development department, obtaining a
117 permit and paying the appropriate fee, no temporary sales or solicitor or street vendor may
118 undertake any activity as enumerated in this article. No temporary sales or solicitor shall call at
119 residences, offices or businesses or leave at residences, offices or businesses coupons, cards,

120 circulars, flyers, samples or other written or printed solicitations. The permit shall state the
121 specific dates on which the temporary sales or solicitor is permitted to engage in business as a
122 temporary sales or solicitor. Each temporary sales or solicitor must carry the permit at all times
123 and must produce the permit for inspection on the request of a law enforcement officer or,
124 when calling on a residence, office or business, or on the request of the occupant thereof.

125 (Ord. of 12-5-11)

126 **Sec. 22-184. - Application for permit—Temporary sales or solicitor.**

127

128 (a) Each person applying for a permit under this article shall complete a registration form
129 giving complete identification, signature, employer name and proposed method of
130 operation in the city, and such other identification or information as may be requested,
131 including any county or state permits or requirements. Each such person shall, in advance,
132 obtain an occupational tax license and pay the city a fee to be set annually by the City
133 Council and can be found in the City Permit & License Fee Table located at the City Clerk's
134 Office and made available on the City's website. Permits for on-site sale of products will be
135 issued for property located within the C2 commercial district, not including any public
136 property, with written permission from the property owner and the property must have
137 the ability to allow vehicles to exit the street or roadway completely and shall not create a
138 traffic hazard. The Community Development Director or designated public official shall
139 have the final approval on whether a particular C2 property shall be permitted to be used
140 for on-site temporary sales without creating a traffic hazard. Applicants must submit an
141 approval letter from the property owner along with a diagram showing the location of the
142 on-site temporary sales within the approved C2 commercial district. Moving to a location
143 not approved voids the temporary sales permit and the applicant must reapply for a new
144 permit. Failure to have a copy of the permit on-site for inspection voids the permit and the
145 applicant must reapply. Any applicant may submit a current occupational tax license from
146 anywhere else in Georgia as proof of paying an occupational tax but will still be required to
147 pay the daily fee to obtain a city permit to solicit or have temporary sales of products
148 within the City of St. Marys.

149 (b) Permits shall be issued on a yearly basis prorated for months to the end of the year
150 detailing the product to be sold and the locations authorized to be utilized.

151 (c) Minimum information required to obtain a permit:

152 (1) Name, address and telephone number.

153 (2) Copy of picture ID verifying identification.

154 (3) County or state required permits.

155 (4) Current Georgia occupational tax license.

156 (5) Owners permission to use C2 property.

157 (6) Site plan showing location of sales.

158 (7) List of products being sold.

159 (8) Description of vehicle being used with a copy of current vehicle insurance.

- 160 (9) Proof of applicant's lawful presence in the United States including submission of
161 required affidavit and clearance through SAVE Program.
- 162 (d) No temporary sales applicant shall erect or construct a fixed or permanent structure,
163 such as a fence, deck or sign as part of their facility, with the unit limited to ten-foot in width,
164 twenty-foot in length, and ten-foot in height.
- 165 (e) No temporary sales applicant shall be allowed to connect to any City utility, including,
166 but not limited to, water, wastewater, or electrical services, except for a City of St. Marys
167 sanctioned event.
- 168 (f) Temporary sales applicants may place one temporary sandwich board or feather sign for
169 advertisement purposes no more than four feet from the main service window. All other
170 signage shall be limited to the unit and is not allowed to extend beyond the unit by more than
171 four feet. All signage permitting fees are included in the Temporary Sales Permit fee.
- 172 (g) No temporary sales applicant will be approved for longer than thirty consecutive days.
- 173 (h) No temporary sales applicant will be allowed to sell prepared or packaged foods.
- 174 (i) Each lot will be limited to one temporary sales operation and no more than two may
175 operate in one city block at one time.
- 176 (j) All temporary sales applicants shall be able to move their facility upon a twenty-four
177 request of the City.

178 (Ord. of 12-5-11)

179 **Sec. 22-185. – Application for permit and licensing – Mobile Foods and Vending**

180
181 (a) *In general.* No person shall operate a mobile food service and vending unit within the
182 corporate limits of the City without first obtaining the proper licenses and/or permits from the
183 state, county, and City of St. Marys. Mobile food service and vending unit operators shall at all
184 times comply with the provisions of this Article and all other applicable local, state and federal
185 laws, regulations or rules. All permits will be issued annually based on the calendar year. No
186 permit issued under this Article may be prorated, transferred, or assigned or used by any person
187 other than the one to whom it is issued, or at any location other than the one for which it is
188 issued.

189
190 (b) *Specific requirements.* Any person intending to operate a mobile food service and vending
191 unit within the corporate limits of the City of St. Marys shall obtain, prior to commencing
192 operation:

193
194 (1) All permits as may be required to operate a mobile food service unit by the state, including
195 the Department of Public Health, and Camden County, including the Health Department;

196
197 (2) A City of St. Marys Mobile Food Service and Vending Unit Permit, including

- 198 a. Mobile Food and Vending Location Plan & Agreement
- 199 b. Mobile Food and Vending Itinerary & Operating Schedule
- 200 c. Mobile Food Restroom Agreement; and

201
202 (3) A City of St. Marys Occupational Tax License

203
204 (c) *Mobile food service and vending unit permit application - contents.* Applicants seeking a
205 Mobile Food Service and Vending Unit Permit shall submit, on an annual basis, an application for
206 such permit to the Community Development Director, or his/her designee. The application shall
207 be furnished under oath on a form specified by the Community Development Director,
208 accompanied by a non-refundable application fee **as set forth by the City Council, in the City**
209 **Permit & License Fee Table, located at the City Clerk’s Office and made available on the City’s**
210 **website:**

211
212 (1) The name, address, telephone number, and email address of the mobile food service unit’s
213 owner(s) of record and the natural person(s) who will be operating the mobile food service and
214 vending unit, if different from the owner(s). A permit shall be required for each mobile food
215 service and vending unit, notwithstanding unity of ownership or operation. Where an owner(s)
216 is a non-natural person whether or not formally organized, the application shall identify all
217 partners, officers, directors and/or natural person with a financial interest in any such entity,
218 including personal contact information for each;

219
220 (2) Information identifying the mobile food service and vending unit including, its make, model
221 and license plate number, together with a photograph of the mobile food service and vending
222 unit;

223
224 (3) The corporate and, where applicable, trade name of the base of operations associated with
225 the mobile food service unit, together with a copy of the base of operation’s City of St. Marys
226 Occupational Tax License. Where the base of operation is located outside the City limits, the
227 applicant shall provide evidence of licensing in the base of operation’s home jurisdiction;

228
229 (4) A copy of the approved permit for the mobile food service and vending unit issued by the
230 Camden County Public Health Department or Georgia Department of Agriculture;

231
232 (5) A copy of the approved permit and inspection certificate for the base of operation issued by
233 the Camden County Public Health Department or Georgia Department of Agriculture;

234
235 (6) A Mobile Food and Vending Location Plan & Agreement, which includes proposed location of
236 the unit and a signed lease or agreement with private property owner, or signed approval of
237 Community Development Director for public properties;

238
239 (7) A Mobile Food and Vending Itinerary & Operating Schedule, indicating intended dates and
240 times of operation;

241
242 (8) Where temporary seating is allowed and provided, a scaled drawing for each site indicating
243 where the seating will be located and number of seats to be furnished; no seating will be
244 allowed on public properties, unless approved by the Community Development Director in the
245 Mobile Food and Vending Itinerary & Operating Schedule;

246
247 (9) A copy of the mobile food service unit's food and beverage menu;
248
249 (10) An itemized list, with proposed price, of items to be sold. This list will be limited to the sale
250 of the following items:
251 a) Tee shirts, caps and general merchandise.
252 b) Postcards, arts and crafts.
253 c) Fresh, packaged and prepared foods and snacks.
254 d) Non-alcoholic beverages.
255 e) Sun tan lotion, bug spray, sun glasses, and other outdoor protection products.
256
257 (11) Mobile Food and Vending Service Units will be limited to areas identified as Pushcart
258 Vending Zones and Food Truck Zones on the St. Marys Vending Zone Map, which can be found
259 at the Community Development Department and online at the St. Marys Community
260 Development Document Center.
261
262 (12) Any license issued shall be for only one calendar year, excluding Official City of St. Marys
263 Festival Days: including, but not limited to Mardi Gras, Fourth of July, Rock Shrimp and
264 Wounded Warriors Day **and Community Market Days** (for the Downtown District only). Partial
265 year permits shall be prorated by month, with no guaranteed future renewal of any license, or
266 any guarantee of the continuance of this agreement beyond one calendar year.
267
268 (13) Any other information that the Community Development Department Director may, from
269 time-to-time, deem material to the permitting of mobile food service units within the City limits;
270 and
271
272 (14) Application for permit and yearly renewal shall be accompanied by such fee as established
273 by City Council and any renewal is subject to full review for adherence to the provisions of this
274 article.
275
276 **Sec. 22-186 Grant or Denial of Application.**
277
278 Review and consideration of an application shall be conducted in accordance with principles of
279 due process by the Permit Review Team, which includes the Community Development Director,
280 Public Works Director, Fire Chief and Building Official, at their weekly meeting. Applications may
281 be denied where an applicant fails to demonstrate that he or she meets the conditions and
282 requirements of this Article, or where an applicant fails to comply with applicable local, state or
283 federal law. Any false statements, material omissions or substantially misleading information
284 provided in an application or furnished by an applicant in connection with an application
285 constitute grounds for any one or combination of the following sanctions: permit denial; refusal
286 to renew a permit; permit revocation; permit suspension; and imposition of penalties.
287
288 **Sec. 22-187 Operational Requirements and Provisions.**
289
290 (a) *Food trucks*. The following operational requirements and conditions apply to food trucks:
291

- 292 (1) Food trucks shall not conduct business without all required permits, with the exception of
293 special events recognized by the City of St. Marys for which the food truck has received pre-
294 approval from the Community Development Department Director.
295
- 296 (2) Food trucks shall limit operations to the hours of 7:00 AM to 9:00 PM.
297
- 298 (3) Food trucks shall not operate on private property without the written consent of the
299 property owner.
300
- 301 (4) Only three food trucks are permitted at one time in each of the Downtown, Midtown and
302 Westside Zones, as identified on the Vending Zone Map, unless they have an authorized
303 Assembly Permit from the City Manager.
304
- 305 (5) No operator or employee of a food truck may, at any time, utilize amplified sound devices to
306 solicit patrons or otherwise advertise the truck's goods and services, except those identified in
307 the Mobile Food and Vending Location Plan & Agreement. Food trucks shall comply with the
308 City's Noise Control Ordinance, as amended.
309
- 310 (6) The mobile food service unit permit, together with all applicable health certificates, including
311 food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location,
312 which shall be plainly visible to the public at all times the food truck is conducting business.
313
- 314 (7) Food trucks may conduct business only within the Food Truck Zone designated for such
315 activity set forth by the St. Marys Vending Zone Map, as amended, with the exception of ice
316 cream trucks, selling only pre-packaged frozen products approved by the County Health
317 Department.
318
- 319 (8) When conducting business, food trucks shall provide no less than ten feet of unobstructed
320 pedestrian space, as measured from the main service window and shall locate its service
321 window towards the sidewalk and not the street.
322
- 323 (9) Food trucks may not be left unattended or otherwise stored on sites at which they offer the
324 sale of food and beverage to the public.
325
- 326 (10) Food trucks shall comply with all applicable local, state and federal health and safety laws,
327 regulations and rules.
328
- 329 (11) Food trucks may place one temporary sandwich board or feather sign for advertisement
330 purposes no more than four feet from the main service window. All other signage shall be
331 limited to the vehicle and is not allowed to extend beyond the vehicle by more than four feet.
332 All signage permitting fees are included in the Mobile Food Service Unit Permit fee.
333
- 334 (12) Food trucks may not conduct business in a location that might block or impede either
335 pedestrian or vehicular traffic.
336
- 337 (13) Food trucks may not conduct business with any person while such person is situated in a
338 motor vehicle.
339

340 (14) Food trucks may provide temporary seating for up to 12 customers; provided, however,
341 that such seating does not impede any right-of-way or any other public space. A scaled drawing
342 must be submitted with the application which indicates the proposed dimensions and layout of
343 the proposed temporary seating area.

344
345 (15) Toilet Facilities- See Georgia Department of Public Health Rule 511-6-1-.06(2)(h).
346

347 (16) Food trucks shall not erect or construct a fixed or permanent structure, such as a fence,
348 deck or sign as part of their facility.

349 (17) Food trucks shall not be allowed to connect to any City utility, including, but not limited to,
350 water, wastewater, or electrical services, without written agreement of the property owner and
351 permission of the Community Development Director, except for a City of St. Marys sanctioned
352 event.

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

356
357 (1) Pushcarts shall not conduct business without all required permits, with the exception of
358 special events recognized by the City of St. Marys for which the pushcart has received pre-
359 approval from the Community Development Director.

360
361 (2) Pushcarts shall limit operations to the hours of 7:00 AM to 9:00 PM.

362
363 (3) Only three pushcarts are permitted at one time in the Vending Zone, as identified on the
364 Vending Zone Map, unless they have an authorized Assembly Permit from the City Manager.

365
366 (4) No operator or employee of a pushcart may, at any time, utilize amplified sound devices to
367 solicit patrons or otherwise advertise the pushcart's goods and services. Pushcarts shall comply
368 with the City's Noise Control Ordinance, as amended.

369
370 (5) The mobile food service and vending unit permit, together with all applicable health
371 certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a
372 prominent location, which shall be plainly visible to the public at all times the push cart is
373 conducting business.

374
375 (6) Pushcarts may conduct business only within the Vending Zone designated for such activity
376 set forth by the St. Marys Vending Zone Map, as amended.

377
378 (7) When conducting business, pushcarts shall provide no less than six feet of unobstructed
379 pedestrian space, as measured from the main service window.

380
381 (8) Pushcarts shall comply with all applicable local, state and federal health and safety laws,
382 regulations and rules.

383

- 384 (9) Pushcarts may not display signage not affixed to the vehicle and shall never exceed 25
385 square feet of signage.
386
387 (10) Pushcarts may not conduct business in a location that might block or impede either
388 pedestrian or vehicular traffic.
389
390 (11) Pushcarts may not conduct business with any person while such person is situated in a
391 motor vehicle.
392
393 (12) Pushcarts may not furnish temporary seating.
394

395 (13) Pushcarts shall not erect or construct a fixed or permanent structure, such as a fence, deck
396 or sign as part of their facility.

397 (14) Pushcarts shall not be allowed to connect to any City utility, including, but not limited to,
398 water, wastewater, or electrical services, without written permission of the Community
399 Development Director.

400

401 **Sec. 22-188 Litter.**

402

403 (a) Each mobile food service unit shall provide a suitably-sized receptacle for litter, which shall
404 be located within ten feet of the service window of the unit. It shall be maintained and regularly
405 emptied. All waste generated by the mobile food service unit's operation, including that
406 associated with its customers and staff, must be disposed of at the base of operation.

407

408 (b) The area within which a mobile food service unit operates shall, at all times, be kept clean
409 and free from litter, garbage, rubble and debris. For purposes of this Section, a mobile food
410 service unit shall be responsible for maintaining in a safe and hygienic manner, the premises on
411 which it is situated.

412

413 **Sec. 22-189 Fire Safety.**

414

415 To minimize the threat to public safety posed by fire, the following apply:

416

417 (a) *Combustible gas detector.* Prior to the operation of any combustible gas-fueled appliances,
418 all visible connections shall be inspected for leakage utilizing a combustible gas detector.
419 Detected leaks shall be repaired before any gas-fueled appliance is operated.

420

421 (b) *Propane cylinders.* No combustible gas fuel tank or cylinder may be connected while the
422 mobile food service unit is traveling upon any street, road or highway.

423

424 (c) *Portable fire extinguishers.* All food trucks or pushcarts with a heating element shall be
425 equipped with a readily accessible multipurpose dry chemical portable fire extinguisher with a
426 minimum rating of 2A 10BC. All mobile food service units utilizing fats or cooking oils, including
427 those that produce grease, grease laden vapors or oily byproducts, shall, in addition to the ABC
428 fire extinguisher, be equipped with a readily accessible Class K portable fire extinguisher. All

- 429 required fire extinguishers shall be maintained in compliance with National Fire Protection
430 Association 10, as amended.
431
432 (d) Operations prior to set up. Mobile food service units are prohibited from igniting, starting or
433 operating any appliances requiring heat, electricity or combustible gases while traveling upon
434 any street, road or highway.
435
436 (e) *Exhaust creating nuisance.* Emission of exhaust gases or smoke shall not be handled in such a
437 manner as to constitute a nuisance.
438
439 (f) *Hood cleaning and maintenance.* Mobile food service units shall be maintained and regularly
440 cleaned to minimize the buildup of grease and other combustible residues. This includes all
441 interior and exterior surfaces upon which grease can or may accumulate including, but not
442 limited to, hold filter surfaces, plenums, ducts, exhaust fans and exterior cowling.
443
444 (g) *Fire suppression system inspections.* All mobile food service unit fire suppression systems
445 shall be inspected and maintained in accordance with the applicable provisions of the National
446 Fire Protection Association. The system shall be tagged in accordance with the Rules and
447 Regulations of the Georgia Safety Fire Commissioner.
448

449 **Sec. 22-190 Special Events.**

450
451 The Community Development Director may permit licensed mobile food service and vending
452 units to operate at special events, including Rock Shrimp Festival, Fourth of July Festival, Mardi
453 Gras Festival and Wounded Warriors Day Event.
454

455 **Sec. 22-191 Prohibitions, Enforcement and Penalties.**

- 456
457 1. It shall be unlawful for any peddler or solicitor, as defined under sub-section 22-184, to:
- 458 (a) Call at residences, offices or businesses clearly displaying a sign stating "No Solicitors or
459 Temporary Sales Invited," "No Solicitation," "No Solicitation within a marked neighborhood", or
460 using similar language.
 - 461 (b) Engage in door-to-door soliciting on Sundays or between the hours of 6:00 p.m. and
462 10:00 a.m. Monday through Saturday.
 - 463 (c) Enter any private dwelling without the consent of the owner or occupant, or to remain
464 there after being requested or directed to leave.
 - 465 (d) Fail to register and carry or produce for inspection a permit when required under this
466 article.
 - 467 (e) Make any false or deceptive statement on any registration hereunder.
 - 468 (f) Violation of any and all city, county or state ordinances or laws.

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2. To ensure the continued application of the intent and purpose of this Article:
- (a) the Community Development Director shall all persons licensed under this article and, where applicable, the Camden County Health Department, of all instances in which a citation is issued to a mobile food service unit.
 - (b) The Community Development Director 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, regardless of corporate naming or structuring, 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 City of St. Marys Municipal Court.

3. 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:
- (a) First violation: \$500.
 - (b) Second violation within the 12 months following the first violation: \$750.
 - (c) Third violation within the 12 months following the first violation: \$1,000 and revocation of the mobile food service unit permit.

4. 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 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.

Sec. 22-192 Reserved.

Sec. 22-193. - Exemptions.

- (a) With the exception of street vendors, any person who, without compensation, solicits or accepts money, donations, or financial assistance of any kind for any religious, charitable, educational, political, or nonprofit organization or sells merchandise for a fee on behalf of such an organization, or who leaves leaflets or flyers or other papers related to such an organization shall be exempt from the requirements of this article.
- (b) Any person who calls upon homes, offices or businesses at the request of, or with the express permission of the occupants is exempt from the requirements of this article.
- (c) Any person who represents a business which has entered into a franchise agreement with the City of St. Marys for providing agreed upon services, and that business has registered under Sec. 22-184 with the City for an annual fee of \$300.00 and where all individuals soliciting information on behalf of the business have registered for a permit by providing the Community Development Department all information required under Sec. 22-184(c)

516 and carry the permit at all times, as required under Sec. 22-183 is exempt from the
517 requirements of this article.

518 (d) Anyone under the age of sixteen operating a booth or stand for a time not to exceed forty-
519 eight hours and not impeding a sidewalk or right-of-way.

520 (e) Seasonal sales of locally grown produce, with written permission of the C-2 property owner
521 or approval from Community Development for Community Markets or Special Events,
522 provided the operator has a valid Occupational Tax License in the State of Georgia.

523 (Ord. of 12-5-11)

524 Sec. 22-194. - Penalty.

525 Any person who shall violate the provisions of this article shall be punished as provided in
526 section 1-12 and in this article. Each day of operating the prohibited activities under this article
527 shall constitute a separate violation of this article.

528 (Ord. of 12-5-11)

529 Secs. 22-195—22-210. - Reserved.

530 |

531 **EXPLANATION OF CHANGES**

532 **NOTE:** Deletions are ~~stricken through~~, additions are underlined.

533
534 **ARTICLE VI. - TEMPORARY SALES, ~~AND SOLICITORS,~~ MOBILE FOOD SERVICES AND ~~STREET~~**
535 **VENDORS**

536
537 FOOTNOTE(S):

538 --- (5) ---

539 **Editor's note**— An ordinance adopted Dec. 5, 2011, amended art. VI in its entirety to read as
540 herein set out. Former art. VI, §§ 22-181—22-187, was entitled "Temporary Sales and
541 Solicitors", and derived from: Ord. of Feb. 26, 2007(1).

542 **Sec. 22-181. - Intent and purpose.**

543 It is the intent of this article to provide for the regulation of temporary sales ~~and~~, solicitors,
544 mobile food services and ~~street~~-vendors within the city. The purpose of this article is to protect,
545 maintain and enhance public health, safety and general welfare by regulating temporary sales
546 ~~and~~, solicitors, mobile food services and ~~street~~-vendors within the City of St. Marys. The citizens
547 of St. Marys are subject to unregulated temporary sales or solicitors and ~~street~~-vendors by
548 sometimes questionable organizations or individuals with illegitimate products or no intent to
549 deliver. It is the purpose of this article to regulate temporary sales and solicitors and ~~street~~
550 vendors to protect the public health, safety and welfare; to establish uniform regulations for the
551 operation of mobile food service units; and to enhance street-level economic opportunities
552 within the City. ~~Neither is it the intent of this article to infringe free speech rights or require~~
553 ~~licensing for persons going door to door for political campaigns, religious proselytizing, or other~~
554 ~~free speech reasons.~~

555 (Ord. of 12-5-11)

556 **Sec. 22-182. - Definitions.**

557 For the purposes of this article, the following definitions shall apply:

558 Base of Operation means a food service establishment, or any other permitted location in which
559 food, containers or supplies are kept, handled, prepared, packaged, stored, or placed in
560 containers for subsequent transport, sale or service elsewhere.

561 *Block* means a parcel of land entirely surrounded by streets or highways, railroad rights-of-way,
562 waterways, or by a combination thereof.

563 Fixed Food Service Establishment means a non-mobile public or private establishment which
564 prepares and serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible
565 products directly to the consumer either for carry out or service within the establishment. The
566 term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns,
567 lunchrooms, places which retail sandwiches or salads, soda fountains, and similar facilities by
568 whatever name called. This term shall not apply to establishments offering food service
569 incidental to their operations.

570 Food Trailer includes all movable carts that can be hitched to a truck for transport and are no
571 larger than 20 x 10 feet, and no taller than 12 feet in height. Food trailers shall be required to
572 move at the discretion of the Community Development Director, Code Enforcement Official or
573 the City of St. Marys Emergency Service officers.

574 Food Truck encompasses all mobile food service units with the exception of pushcarts and
575 trailers. Food trucks shall be no larger than 30 x 10 feet and shall be required to move at the
576 discretion of the Community Development Director, Code Enforcement Official or the City of St.
577 Marys Emergency Service officers.

578 Locally grown produce means seasonal sales of products from Camden County or surrounding
579 counties, harvested or produced during the growing season, as evidenced by an occupational
580 tax license from the grower or producer.

581 Mobile Food Service and Vending Unit means a trailer, pushcart, vehicle or any other similar
582 conveyance operating as an extension of and under the managerial authority of the permit
583 holder of its permitted base of operation. The mobile food service unit and its permitted base of
584 operation together make a mobile food service establishment. There shall be no fixed or
585 permanent fixtures to a site, including, but not limited to, water, sewer, electricity, signage,
586 fencing or decking.

587 *Nonprofit organization* means organizations established for purposes other than generating
588 profit, including schools and community service organizations. Such organizations need not have
589 obtained tax-exempt status from the IRS.

590 Pushcart means a human propelled, self-contained, enclosed vending or food service cart that
591 operates at pre-determined locations as approved by the Health Authority and the City of St.
592 Marys. Menu items will be reviewed by the Permit Review Committee and approved by the
593 Community Development Director. Pushcarts shall be no larger than 5 feet wide x10 feet long x
594 10 feet high.

595 *Solicitor* means any person who goes from house to house, from place to place, or from street to
596 street soliciting or taking or attempting to take orders for any goods, wares or merchandise,
597 including books, periodicals, magazines, or personal property of any nature whatsoever for
598 future delivery, or seeking information, money, donations or financial assistance for any
599 purpose whatsoever, or soliciting or taking or attempting to take orders for services to be
600 furnished or performed in the future.

601 *Street vendor* means any person who establishes a location within the area so designated to sell
602 specific items as regulated by this article. This use ~~shall~~ may be reauthorized on a calendar year
603 to year basis as approved by city council.

604 *Temporary sales* means any person who goes from house to house, from place to place, or from
605 street to street, carrying or transporting goods, wares, or merchandise and offering or exposing
606 the same for sale, or making sales and deliveries to purchasers, or giving or leaving leaflets,
607 pamphlets or other items that promote or advertise the sale of goods or the provision of
608 services for profit.

609 (Ord. of 12-5-11)

610 **Sec. 22-183. — Temporary sales or solicitor permit requirement.**
611

612 Without having first registered with the planning community development department,
613 obtaining a permit and paying the appropriate fee, no temporary sales or solicitor or street
614 vendor may undertake any activity as enumerated in this article. No temporary sales or solicitor
615 shall call at residences, offices or businesses or leave at residences, offices or businesses
616 coupons, cards, circulars, flyers, samples or other written or printed solicitations. The permit
617 shall state the specific dates on which the temporary sales or solicitor is permitted to engage in
618 business as a temporary sales or solicitor. Each temporary sales or solicitor must carry the
619 permit at all times and must produce the permit for inspection on the request of a law
620 enforcement officer or, when calling on a residence, office or business, or on the request of the
621 occupant thereof.

622 (Ord. of 12-5-11)

623 **Sec. 22-184. - Application for permit—Temporary sales or solicitor.**
624

625 (a) Each person applying for a permit under this article shall complete a registration form
626 giving complete identification, signature, employer name and proposed method of
627 operation in the city, and such other identification or information as may be requested,
628 including any county or state permits or requirements. Each such person shall, in advance,
629 obtain an occupational tax license and pay the a fee to be set annually by the City Council
630 and can be found in the City Permit & License Fee Table located at the City Clerk's Office
631 and made available on the City's website city a fee of \$300.00 per year reduced by \$25.00
632 for any full month already passed at the time of issuance of the permit. \$15.00 per day for
633 each day the permit authorizes the applicant to engage in business, up to a maximum of
634 \$300.00 per month, as a solicitor or temporary sales. Permits for on-site sale of products
635 will be issued for property located within the C2 commercial district, not including any
636 public property, with written permission from the property owner and the property must
637 have the ability to allow vehicles to exit the street or roadway completely and shall not
638 create a traffic hazard. The ~~code enforcement officer~~ Community Development Director or
639 designated public official shall have the final approval on whether a particular C2 property
640 shall be permitted to be used for on-site temporary sales without creating a traffic hazard.
641 Applicants must submit an approval letter from the property owner along with a diagram
642 showing the location of the on-site temporary sales within the approved C2 commercial
643 district. Moving to a location not approved voids the temporary sales permit and the
644 applicant must reapply for a new permit. Failure to have a copy of the permit on-site for
645 inspection voids the permit and the applicant must reapply. Any applicant may submit a
646 current occupational tax license from anywhere else in Georgia as proof of paying an
647 occupational tax but will still be required to pay the daily fee to obtain a city permit to
648 solicit or have temporary sales of products within the City of St. Marys.

649 (b) Permits shall be issued on a ~~monthly~~ yearly basis prorated for months to the end of the
650 year detailing the product to be sold and the locations authorized to be utilized. ~~Months~~
651 ~~shall be calculated as the actual days within a month started on the first day of the month~~

652 ~~and ending on the last day of the month. A permit obtained on June 20 must be renewed~~
653 ~~on July 1 and so forth. Fee shall be due the first of each month for that month. There shall~~
654 ~~be no prorated daily fees within or between months.~~

655 (c) Minimum information required to obtain a permit:

656 (1) Name, address and telephone number.

657 (2) Copy of picture ID verifying identification.

658 (3) County or state required permits.

659 (4) Current Georgia occupational tax license.

660 (5) Owners permission to use C2 property.

661 (6) Site plan showing location of sales.

662 (7) List of products being sold.

663 (8) Description of vehicle being used with a copy of current vehicle insurance.

664 (9) Proof of applicant's lawful presence in the United States including submission of
665 required affidavit and clearance through SAVE Program.

666 (d) No temporary sales applicant shall erect or construct a fixed or permanent structure,
667 such as a fence, deck or sign as part of their facility, with the unit limited to ten-foot in width,
668 twenty-foot in length, and ten-foot in height.

669 (e) No temporary sales applicant shall be allowed to connect to any City utility, including,
670 but not limited to, water, wastewater, or electrical services, except for a City of St. Marys
671 sanctioned event.

672 (f) Temporary sales applicants may place one temporary sandwich board or feather sign for
673 advertisement purposes no more than four feet from the main service window. All other
674 signage shall be limited to the unit and is not allowed to extend beyond the unit by more than
675 four feet. All signage permitting fees are included in the Temporary Sales Permit fee.

676 (g) No temporary sales applicant will be approved for longer than thirty days in a calendar
677 year, for a single location.

678 (h) No temporary sales applicant will be allowed to sell prepared or packaged foods.

679 (i) Each lot will be limited to one temporary sales operation and no more than two may
680 operate in one city block at one time.

681 (j) All temporary sales applicants shall be able to move their facility upon a twenty-four
682 request of the City.

683 (Ord. of 12-5-11)

684 **Sec. 22-185. – Application for permit and licensing – Mobile Foods and Vending**

685

686 (a) In general. No person shall operate a mobile food service and vending unit within the
687 corporate limits of the City without first obtaining the proper licenses and/or permits from the
688 state, county, and City of St. Marys. Mobile food service and vending unit operators shall at all
689 times comply with the provisions of this Article and all other applicable local, state and federal
690 laws, regulations or rules. All permits will be issued annually based on the calendar year. No
691 permit issued under this Article may be prorated, transferred, or assigned or used by any person
692 other than the one to whom it is issued, or at any location other than the one for which it is
693 issued.

694
695 (b) Specific requirements. Any person intending to operate a mobile food service and vending
696 unit within the corporate limits of the City of St. Marys shall obtain, prior to commencing
697 operation:

698
699 (1) All permits as may be required to operate a mobile food service unit by the state, including
700 the Department of Public Health, and Camden County, including the Health Department;

701
702 (2) A City of St. Marys Mobile Food Service and Vending Unit Permit, including

703 a. Mobile Food and Vending Location Plan & Agreement

704 b. Mobile Food and Vending Itinerary & Operating Schedule

705 c. Mobile Food Restroom Agreement; and

706
707 (3) A City of St. Marys Occupational Tax License

708
709 (c) Mobile food service and vending unit permit application - contents. Applicants seeking a
710 Mobile Food Service and Vending Unit Permit shall submit, on an annual basis, an application for
711 such permit to the Community Development Director, or his/her designee. The application shall
712 be furnished under oath on a form specified by the Community Development Director,
713 accompanied by a non-refundable application fee as set forth by the **City Council, in the City**
714 **Permit & License Fee Table, located at the City Clerk's Office and made available on the City's**
715 **website.** Such application shall include:

716
717 (1) The name, address, telephone number, and email address of the mobile food service unit's
718 owner(s) of record and the natural person(s) who will be operating the mobile food service and
719 vending unit, if different from the owner(s). A permit shall be required for each mobile food
720 service and vending unit, notwithstanding unity of ownership or operation. Where an owner(s)
721 is a non-natural person whether or not formally organized, the application shall identify all
722 partners, officers, directors and/or natural person with a financial interest in any such entity,
723 including personal contact information for each;

724
725 (2) Information identifying the mobile food service and vending unit including, its make, model
726 and license plate number, together with a photograph of the mobile food service and vending
727 unit;

728
729 (3) The corporate and, where applicable, trade name of the base of operations associated with
730 the mobile food service unit, together with a copy of the base of operation's City of St. Marys
731 Occupational Tax License. Where the base of operation is located outside the City limits, the
732 applicant shall provide evidence of licensing in the base of operation's home jurisdiction;
733

- 734 (4) A copy of the approved permit for the mobile food service and vending unit issued by the
735 Camden County Public Health Department or Georgia Department of Agriculture;
736
- 737 (5) A copy of the approved permit and inspection certificate for the base of operation issued by
738 the Camden County Public Health Department or Georgia Department of Agriculture;
739
- 740 (6) A Mobile Food and Vending Location Plan & Agreement, which includes proposed location of
741 the unit and a signed lease or agreement with private property owner, or signed approval of
742 Community Development Director for public properties;
743
- 744 (7) A Mobile Food and Vending Itinerary & Operating Schedule, indicating intended dates and
745 times of operation;
746
- 747 (8) Where temporary seating is allowed and provided, a scaled drawing for each site indicating
748 where the seating will be located and number of seats to be furnished; no seating will be
749 allowed on public properties, unless approved by the Community Development Director in the
750 Mobile Food and Vending Itinerary & Operating Schedule;
751
- 752 (9) A copy of the mobile food service unit's food and beverage menu;
753
- 754 (10) An itemized list, with proposed price, of items to be sold. This list will be limited to the sale
755 of the following items:
756 a) Tee shirts, caps and general merchandise.
757 b) Postcards, arts and crafts.
758 c) Fresh, packaged and prepared foods and snacks.
759 d) Non-alcoholic beverages.
760 e) Sun tan lotion, bug spray, sun glasses, and other outdoor protection products.
761
- 762 (11) Mobile Food and Vending Service Units will be limited to areas identified as Pushcart
763 Vending Zones and Food Truck Zones on the St. Marys Vending Zone Map, which can be found
764 at the Community Development Department and online at the St. Marys Community
765 Development Document Center.
766
- 767 (12) Any license issued shall be for only one calendar year, excluding Official City of St. Marys
768 Festival Days: including, but not limited to Mardi Gras, Fourth of July, Rock Shrimp and
769 Wounded Warriors Day and Community Market Days(for the Downtown District only). Partial
770 year permits shall be prorated by month, with no guaranteed future renewal of any license, or
771 any guarantee of the continuance of this agreement beyond one calendar year.
772
- 773 (13) Any other information that the Community Development Department Director may, from
774 time-to-time, deem material to the permitting of mobile food service units within the City limits;
775 and
776
- 777 (14) Application for permit and yearly renewal shall be accompanied by such fee as established
778 by City Council and any renewal is subject to full review for adherence to the provisions of this
779 article.
780
- 781 **Sec. 22-186 Grant or Denial of Application.**

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Review and consideration of an application shall be conducted in accordance with principles of due process by the Permit Review Team, which includes the Community Development Director, Public Works Director, Fire Chief and Building Official, at their weekly meeting. 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.

Sec. 22-187 Operational Requirements and Provisions.

(a) Food trucks. The following operational requirements and conditions apply to food trucks:

(1) Food trucks shall not conduct business without all required permits, with the exception of special events recognized by the City of St. Marys for which the food truck has received pre-approval from the Community Development Department Director.

(2) Food trucks shall limit operations to the hours of 7:00 AM to 9:00 PM.

(3) Food trucks shall not operate on private property without the written consent of the property owner.

(4) Only three food trucks are permitted at one time in each of the Downtown, Midtown and Westside Zones, as identified on the Vending Zone Map, unless they have an authorized Assembly Permit from the City Manager.

(5) No operator or employee of a food truck may, at any time, utilize amplified sound devices to solicit patrons or otherwise advertise the truck's goods and services, except those identified in the Mobile Food and Vending Location Plan & Agreement. Food trucks shall comply with the City's Noise Control Ordinance, as amended.

(6) 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.

(7) Food trucks may conduct business only within the Food Truck Zone designated for such activity set forth by the St. Marys Vending Zone Map, as amended, with the exception of ice cream trucks, selling only pre-packaged frozen products approved by the County Health Department.

(8) When conducting business, food trucks shall provide no less than ten feet of unobstructed pedestrian space, as measured from the main service window and shall locate its service window towards the sidewalk and not the street.

(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.

830
831 (10) Food trucks shall comply with all applicable local, state and federal health and safety laws,
832 regulations and rules.
833
834 (11) Food trucks may place one temporary sandwich board or feather sign for advertisement
835 purposes no more than four feet from the main service window. All other signage shall be
836 limited to the vehicle and is not allowed to extend beyond the vehicle by more than four feet.
837 All signage permitting fees are included in the Mobile Food Service Unit Permit fee.
838
839 (12) Food trucks may not conduct business in a location that might block or impede either
840 pedestrian or vehicular traffic.
841
842 (13) Food trucks may not conduct business with any person while such person is situated in a
843 motor vehicle.
844
845 (14) Food trucks may provide temporary seating for up to 12 customers; provided, however,
846 that such seating does not impede any right-of-way or any other public space. A scaled drawing
847 must be submitted with the application which indicates the proposed dimensions and layout of
848 the proposed temporary seating area.
849
850 (15) Toilet Facilities- See Georgia Department of Public Health Rule 511-6-1-.06(2)(h).
851

852 (16) Food trucks shall not erect or construct a fixed or permanent structure, such as a fence,
853 deck or sign as part of their facility.

854 (17) Food trucks shall not be allowed to connect to any City utility, including, but not limited to,
855 water, wastewater, or electrical services, without written agreement of the property owner and
856 permission of the Community Development Director, except for a City of St. Marys sanctioned
857 event.

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859
860 (b) Pushcarts. The following operational requirements and conditions apply to push carts:
861
862 (1) Pushcarts shall not conduct business without all required permits, with the exception of
863 special events recognized by the City of St. Marys for which the pushcart has received pre-
864 approval from the Community Development Director.
865
866 (2) Pushcarts shall limit operations to the hours of 7:00 AM to 9:00 PM.
867
868 (3) Only three pushcarts are permitted at one time in the Vending Zone, as identified on the
869 Vending Zone Map, unless they have an authorized Assembly Permit from the City Manager.
870
871 (4) No operator or employee of a pushcart may, at any time, utilize amplified sound devices to
872 solicit patrons or otherwise advertise the pushcart's goods and services. Pushcarts shall comply
873 with the City's Noise Control Ordinance, as amended.
874

875 (5) The mobile food service and vending unit permit, together with all applicable health
876 certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a
877 prominent location, which shall be plainly visible to the public at all times the push cart is
878 conducting business.

879
880 (6) Pushcarts may conduct business only within the Vending Zone designated for such activity
881 set forth by the St. Marys Vending Zone Map, as amended.

882
883 (7) When conducting business, pushcarts shall provide no less than six feet of unobstructed
884 pedestrian space, as measured from the main service window.

885
886 (8) Pushcarts shall comply with all applicable local, state and federal health and safety laws,
887 regulations and rules.

888
889 (9) Pushcarts may not display signage not affixed to the vehicle and shall never exceed 25
890 square feet of signage.

891
892 (10) Pushcarts may not conduct business in a location that might block or impede either
893 pedestrian or vehicular traffic.

894
895 (11) Pushcarts may not conduct business with any person while such person is situated in a
896 motor vehicle.

897
898 (12) Pushcarts may not furnish temporary seating.

899
900 (13) Pushcarts shall not erect or construct a fixed or permanent structure, such as a fence, deck
901 or sign as part of their facility.

902 (14) Pushcarts shall not be allowed to connect to any City utility, including, but not limited to,
903 water, wastewater, or electrical services, without written permission of the **Community**
904 **Development Director.**

905
906
907 **Sec. 22-188 Litter.**

908
909 (a) Each mobile food service unit shall provide a suitably-sized receptacle for litter, which shall
910 be located within ten feet of the service window of the unit. It shall be maintained and regularly
911 emptied. All waste generated by the mobile food service unit's operation, including that
912 associated with its customers and staff, must be disposed of at the base of operation.

913
914 (b) The area within which a mobile food service unit operates shall, at all times, be kept clean
915 and free from litter, garbage, rubble and debris. For purposes of this Section, a mobile food
916 service unit shall be responsible for maintaining in a safe and hygienic manner, the premises on
917 which it is situated.

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919 **Sec. 22-189 Fire Safety.**

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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 food trucks or pushcarts with a heating element 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) Exhaust creating nuisance. Emission of exhaust gases or smoke shall not be handled in such a manner as to constitute a nuisance.

(f) 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.

(g) 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.

Sec. 22-190 Special Events.

The Community Development Director may permit licensed mobile food service and vending units to operate at city sanctioned special events, including, but not limited to, Rock Shrimp Festival, Fourth of July Festival, Mardi Gras Festival and Wounded Warriors Day Event and St. Marys Community Market.

Sec. 22-191 Prohibitions, Enforcement and Penalties.

1. It shall be unlawful for any peddler or solicitor, as defined under sub-section 22-184, to:

965 (a) Call at residences, offices or businesses clearly displaying a sign stating "No Solicitors or
966 Temporary Sales Invited," "No Solicitation," "No Solicitation within a marked neighborhood", or
967 using similar language.

968 (b) Engage in door-to-door soliciting on Sundays or between the hours of 6:00 p.m. and
969 10:00 a.m. Monday through Saturday.

970 (c) Enter any private dwelling without the consent of the owner or occupant, or to remain
971 there after being requested or directed to leave.

972 (d) Fail to register and carry or produce for inspection a permit when required under this
973 article.

974 (e) Make any false or deceptive statement on any registration hereunder.

975 (f) Violation of any and all city, county or state ordinances or laws.

976
977 2. To ensure the continued application of the intent and purpose of this Article:

978 (a) the Community Development Director shall **notify** all persons licensed under this article and,
979 where applicable, the Camden County Health Department, of all instances in which a citation is
980 issued to a mobile food service unit.

981 (b) The Community Development Director shall maintain a record of all code violation charges,
982 founded accusations and convictions concerning mobile food service units. When a mobile food
983 service unit owner or operator accumulates three code violations for a particular mobile service
984 unit within a period of twelve consecutive months, regardless of corporate naming or
985 structuring, the City shall revoke the mobile food service unit permit and reject all applications
986 for a mobile food service unit permit by the concerned owner(s) and operator(s) for a period of
987 twelve consecutive months following the date of revocation.

988 (c) If a mobile food service unit owner or operator has been cited for and found to be in
989 violation of any zoning, health or life safety code provision, the owner or operator must
990 demonstrate compliance with the applicable code prior to being eligible to continue operations
991 under the current permit.

992 (d) Citations for code violations shall be heard by the City of St. Marys Municipal Court.

993
994 3. Violations of this Article are subject to the following sanctions, which may not be waived or
995 reduced and which may be combined with any other legal remedy available to the City:

996 (a) First violation: \$500.

997 (b) Second violation within the 12 months following the first violation: \$750.

998 (c) Third violation within the 12 months following the first violation: \$1,000 and
999 revocation of the mobile food service unit permit.

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1001 4. Nothing in this section shall limit the City from enforcement of its code, state or federal law
1002 by any other legal remedy available to the City. Nothing in this section shall be construed to limit
1003 or supplant the power of any City inspector or other duly empowered officer under the City's
1004 ordinances, rules and regulations or the authority granted under state law, as amended, to take
1005 necessary action, consistent with the law, to protect the public from operation of a mobile food
1006 service unit as a nuisance, including abatement thereof by lawful means.

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Sec. 22-192 Reserved.

~~Sec. 22-185. Application for permit—Street vendor.~~

~~(a) Each person applying for a permit under this article shall complete a registration form giving complete identification, signature, employer name and proposed method of operation in the city, and such other identification or information as may be requested, including any county or state permits or requirements. Street vendors shall also obtain in advance an occupational tax license and pay the city fee per month or for any part of a month as listed below. Permits for on-site sale of products will be issued for a maximum of three six street vendors on any public or private property located within zone 2 of the C-1 commercial district with written permission from the city and/or the property owner. The street vendor must not restrict the ability of vehicles to exit the street or roadway completely and shall not create a traffic hazard. Applicants must submit an approval letter from the property owner or the city along with a diagram showing the requested location of the street vendor within the approved C-1 commercial district with any permit application. Moving to a location not approved voids the street vendor permit and the applicant must reapply for a new permit. Failure to have a copy of the permit on-site for inspection voids the permit and the applicant must reapply.~~

~~(b) Permits shall be issued on a monthly yearly basis detailing the product to be sold and the locations authorized to be utilized. Permits shall only be approved for a calendar year commencing on January 1 and ending on December 31. Partial year permits shall be prorated by month, but all street vendor permits shall end on December 31 and be reissued on January 1.~~

~~Council reserves the right to discontinue this street vendor use on December 31 of any year for any reason without any liability to the street vendor for any costs that the street vendor may have incurred during the term of the permit.~~

~~(c) Minimum information required to obtain a permit:~~

- ~~(1) Name, address and telephone number.~~
- ~~(2) Copy of picture ID verifying identification.~~
- ~~(3) County or state required permits.~~
- ~~(4) Current Georgia occupational tax license.~~
- ~~(5) Owner or city permission to use C1 property or the ROW.~~
- ~~(6) Site plan showing location of sales.~~
- ~~(7) List of products being sold.~~
- ~~(8) Description of vehicle being used with a copy of current vehicle insurance.~~
- ~~(9) Proof of applicant's lawful presence in the United States including submission of required affidavit and clearance through SAVE Program.~~

~~(Ord. of 12-5-11)~~

~~Sec. 22-186. Prohibited acts—Peddler or solicitor.~~

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~~It shall be unlawful for any peddler or solicitor to:~~

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~~(1) Call at residences, offices or businesses clearly displaying a sign stating "No Solicitors or Temporary Sales Invited," "No Solicitation," "No Solicitation within a marked neighborhood", or using similar language.~~

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~~(2) Engage in door to door soliciting on Sundays or between the hours of 6:00 p.m. and 10:00 a.m. Monday through Saturday.~~

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~~(3) Enter any private dwelling without the consent of the owner or occupant, or to remain there after being requested or directed to leave.~~

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~~(4) Fail to register and carry or produce for inspection a permit when required under this article.~~

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~~(5) Make any false or deceptive statement on any registration hereunder.~~

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~~(6) Operate more than one temporary sales business at one location.~~

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~~(7) Operate more than two temporary sales businesses within a city block.~~

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~~(8) Violation of any and all city, county or state ordinances or laws.~~

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~~If any prohibited act is violated, upon Upon the first offense violation of these regulations, the temporary sales or solicitor permit will be revoked. The owner of the permit will not be permitted to reapply for another permit for a period of six months. Upon any prohibited act being violated, a second or subsequent time violation of these regulations, then the owners permit will be revoked and any reapplication for a permit by the owner will be permanently denied.~~

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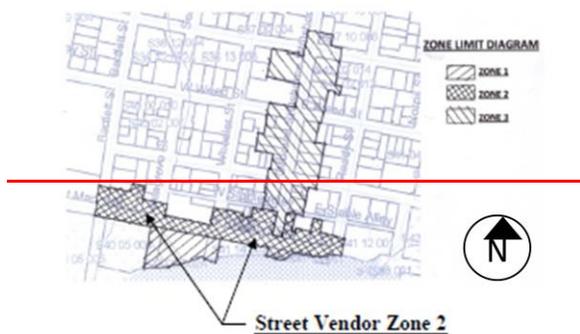
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~~(Ord. of 12-5-11)~~

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~~Sec. 22-187. Requirements for a street vendor.~~



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~~(a) Vendor zone: There would be one zone in the C-1 classification for street vendors known as Zone 2. This zone uses the same zone designation as for the alcohol ordinance. Zone 2 is the indicated area on the map north side of St. Marys Street. Street vendors are not permitted in zone 1 or 3. Zone 2 permitted locations shall be based on area available without using existing parking areas. Street vendors in zone 2 shall be limited to a~~

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1075 maximum of three ~~six~~ vendors. There shall be no vendors located on the south side of St.
1076 Marys Street that would block the view to the St. Marys River.

1077 ~~(b) Street vendor equipment shall be reviewed by the historic preservation commission at a~~
1078 ~~regularly scheduled meeting. No permit shall be issued without a valid HPC certificate of~~
1079 ~~appropriateness.~~

1080 ~~(bc) The type of vendor shall be limited to the sale of the following items:~~

1081 ~~(1) Tee shirts, and caps, with St. Marys/Cumberland/Camden/Kingsland/Woodbine~~
1082 ~~themes. No "general" type Tee shirts and general merchandise.~~

1083 ~~(2) Postcards, of local attractions arts and crafts.~~

1084 ~~(3) Hot dogs/hot sausages with condiments. No fried foods. Fresh, packaged and prepared~~
1085 ~~foods and snacks.~~

1086 ~~(4) Packaged ice cream/yogurt products. Non alcoholic beverages.~~

1087 ~~(5) Prepackaged candy and snacks.~~

1088 ~~(5) Sun tan lotion, bug spray, sun glasses, and other outdoor protection products.~~

1089 ~~(cd) Any license issued under this option shall be for only one calendar year, excluding Official~~
1090 ~~City of St. Marys festival days. Partial year permits shall be prorated by month, with no~~
1091 ~~guaranteed future renewal of any license, or any guarantee of the continuation of this~~
1092 ~~option beyond one calendar year. No license issued shall extend beyond December 31,~~
1093 ~~2012.~~

1094 ~~(de) Fees for a vendor license shall be:~~

1095 ~~(1) Application fee of \$50.00 (nonrefundable).~~

1096 ~~(21) Yearly license fee of \$300 per month year prorated for any full months already passed~~
1097 ~~at the time of the issuance of the permit to the end of the year.~~

1098 ~~(32) Occupation tax license as set forth in section 22-26-21 et.seq.~~

1099 ~~(ef) Signage shall be limited to the cart or umbrella only. Push in signs of any type or location~~
1100 ~~are not permitted. There will be no fee charged for signage on the cart or umbrella.~~

1101 ~~(fg) Vendor shall not provide any seating, tables or other similar equipment.~~

1102 ~~(gh) Vendor shall provide a visually appropriate container for trash. Vendor shall pick up and~~
1103 ~~remove any trash originating from him or his customers on a daily basis using the vendor's~~
1104 ~~own resources. Vendor shall not use city trash containers for vendor trash. The public, after~~
1105 ~~purchase of any item, is not prohibited from using city trash containers.~~

1106 ~~(h) All vendors and their products shall be reviewed annually for adherence to the provisions~~
1107 ~~of this article.~~

1108 ~~(Ord. of 12-5-11)~~

1109 Sec. 22-~~188~~193. - Exemptions.

1110 (a) With the exception of street vendors, any person who, ~~without compensation,~~ solicits or
1111 accepts money, donations, or financial assistance of any kind for any religious, charitable,
1112 educational, political, or nonprofit organization or sells merchandise ~~for a fee~~ on behalf of

1113 such an organization, or who leaves leaflets or flyers or other papers related to such an
1114 organization shall be exempt from the ~~registration and permit~~ requirements of this article.
1115 ~~Such persons shall remain subject to the prohibitions set forth in subsections 22-186(1)~~
1116 ~~through (3).~~

1117 (b) Any person who calls upon homes, offices or businesses at the request of, or with the
1118 express permission of the occupants is exempt from the requirements of this article.

1119 (c) Any person who represents a business which has entered into a franchise agreement with
1120 the City of St. Marys for providing agreed upon services, and that business has registered
1121 under Sec. 22-184 with the City for an annual fee of \$300.00 and where all individuals
1122 soliciting information on behalf of the business have registered for a permit by providing
1123 the Community Development Department all information required under Sec. 22-184(c)
1124 and carry the permit at all times, as required under Sec. 22-183 is exempt from the
1125 requirements of this article.

1126 (d) Anyone under the age of sixteen operating a booth or stand for a time not to exceed forty-
1127 eight hours and not impeding a sidewalk or right-of-way.

1128 (e) Seasonal sales of locally grown produce, with written permission of the C-2 property owner
1129 or approval from Community Development for Community Markets or Special Events,
1130 provided the operator has a valid Occupational Tax License in the State of Georgia.

1131 (Ord. of 12-5-11)

1132 Sec. 22-~~189~~194. - Penalty.

1133 Any person who shall violate the provisions of this article shall be punished as provided in
1134 section 1-12 and in this article. Each day of operating the prohibited activities under this article
1135 shall constitute a separate violation of this article.

1136 (Ord. of 12-5-11)

1137 Secs. 22-~~190~~195—22-210. - Reserved.