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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 PUSH CART, 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 **other** designated public official
139 shall have the final approval on whether a particular C2 property shall be permitted to be
140 used for on-site temporary sales without creating a traffic hazard. Applicants must submit
141 an approval letter from the property owner along with a diagram showing the location of
142 the on-site temporary sales within the approved C2 commercial district. Moving to a
143 location not approved voids the temporary sales permit and the applicant must reapply for
144 a new permit. Failure to have a copy of the permit on-site for inspection voids the permit
145 and the applicant must reapply. Any applicant may submit a current occupational tax
146 license from anywhere else in Georgia as proof of paying an occupational tax but will still
147 be required to pay the fee to obtain a city permit to solicit or have temporary sales of
148 products 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 **unit**, 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 **unit** 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 of items to be sold. This list will be limited to the sale of the following items:
250 a) Tee shirts, caps and general merchandise.
251 b) Postcards, arts and crafts.
252 c) Fresh, packaged and prepared foods and snacks.
253 d) Non-alcoholic beverages.
254 e) Sun tan lotion, bug spray, sun glasses, and other outdoor protection products.
255
256 (11) Mobile Food and Vending Service Units will be limited to areas identified as Pushcart
257 Vending Zones and Food Truck Zones on the St. Marys Vending Zone Map, which can be found
258 at the Community Development Department and online at the St. Marys Community
259 Development Document Center.
260
261 (12) Any license issued shall be for only one calendar year, excluding Official City of St. Marys
262 Festival Days: including, but not limited to Mardi Gras, Fourth of July, Rock Shrimp and
263 Wounded Warriors Day **and Community Market Days** (for the Downtown District only). Partial
264 year permits shall be prorated by month, with no guaranteed future renewal of any license, or
265 any guarantee of the continuance of this agreement beyond one calendar year.
266
267 (13) Any other information that the Community Development Department Director may, from
268 time-to-time, deem material to the permitting of mobile food service units within the City limits;
269 and
270
271 (14) Application for permit and yearly renewal shall be accompanied by such fee as established
272 by City Council and any renewal is subject to full review for adherence to the provisions of this
273 article.
274
275 **Sec. 22-186 Grant or Denial of Application.**
276
277 Review and consideration of an application shall be conducted **fairly and objectively** by the
278 Permit Review Team, which includes the Community Development Director, Public Works
279 Director, Fire Chief and Building Official, at their weekly meeting. Applications may be denied
280 where an applicant fails to demonstrate that he or she meets the conditions and requirements
281 of this Article, or where an applicant fails to comply with applicable local, state or federal law.
282 Any false statements, material omissions or substantially misleading information provided in an
283 application or furnished by an applicant in connection with an application constitute grounds for
284 any one or combination of the following sanctions: permit denial; refusal to renew a permit;
285 permit revocation; permit suspension; and imposition of penalties.
286
287 **Sec. 22-187 Operational Requirements and Provisions.**
288
289 (a) *Food trucks*. The following operational requirements and conditions apply to food trucks:
290
291 (1) Food trucks shall not conduct business without all required permits, with the exception of
292 special events recognized by the City of St. Marys for which the food truck has received pre-
293 approval from the Community Development Department Director.

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

341 must be submitted with the application which indicates the proposed dimensions and layout of
342 the proposed temporary seating area.

343
344 (15) Toilet Facilities- See Georgia Department of Public Health Rule 511-6-1-.06(2)(h).
345

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

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

352
353
354 (b) *Pushcarts*. The following operational requirements and conditions apply to push carts:
355

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

359
360 (2) Pushcarts shall limit operations to the hours of 7:00 AM to 9:00 PM.
361

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

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

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

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

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

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

383 (9) Pushcarts may not display signage not affixed to the vehicle and shall never exceed 25
384 square feet of signage.
385

- 386 (10) Pushcarts may not conduct business in a location that might block or impede either
387 pedestrian or vehicular traffic.
388
- 389 (11) Pushcarts may not conduct business with any person while such person is situated in a
390 motor vehicle.
391
- 392 (12) Pushcarts may not furnish temporary seating.
393
- 394 (13) Pushcarts shall not erect or construct a fixed or permanent structure, such as a fence, deck
395 or sign as part of their facility.
- 396 (14) Pushcarts shall not be allowed to connect to any City utility, including, but not limited to,
397 water, wastewater, or electrical services, without written permission of the Community
398 Development Director.

399

400 **Sec. 22-188 Litter.**

401

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

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 (d) Operations prior to set up. Mobile food service units are prohibited from igniting, starting or
432 operating any appliances requiring heat, electricity or combustible gases while traveling upon
433 any street, road or highway.

434
435 (e) *Exhaust creating nuisance.* Emission of exhaust gases or smoke shall not be handled in such a
436 manner as to constitute a nuisance.

437
438 (f) *Hood cleaning and maintenance.* Mobile food service units shall be maintained and regularly
439 cleaned to minimize the buildup of grease and other combustible residues. This includes all
440 interior and exterior surfaces upon which grease can or may accumulate including, but not
441 limited to, hold filter surfaces, plenums, ducts, exhaust fans and exterior cowlings.

442
443 (g) *Fire suppression system inspections.* All mobile food service unit fire suppression systems
444 shall be inspected and maintained in accordance with the applicable provisions of the National
445 Fire Protection Association **codes**. The system shall be tagged in accordance with the Rules and
446 Regulations of the Georgia Safety Fire Commissioner.

447
448 **Sec. 22-190 Special Events.**

449
450 The Community Development Director may permit licensed mobile food service and vending
451 units to operate at special events, including Rock Shrimp Festival, Fourth of July Festival, Mardi
452 Gras Festival and Wounded Warriors Day Event.

453
454 **Sec. 22-191 Prohibitions, Enforcement and Penalties.**

455
456 1. It shall be unlawful for any peddler or solicitor, as defined under sub-section 22-184, to:

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

460 (b) Engage in door-to-door soliciting on Sundays or between the hours of 6:00 p.m. and
461 10:00 a.m. Monday through Saturday.

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

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

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

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

468
469 2. To ensure the continued application of the intent and purpose of this Article:

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

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

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

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

485

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

488 (a) First violation: \$500.

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

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

492

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

499

500 **Sec. 22-192 Reserved.**

501

502 Sec. 22-193. - Exemptions.

503 (a) With the exception of street vendors, any person who, without compensation, solicits or
504 accepts money, donations, or financial assistance of any kind for any religious, charitable,
505 educational, political, or nonprofit organization or sells merchandise for a fee **or provides**
506 **services** on behalf of such an organization, or who leaves leaflets or flyers or other papers
507 related to such an organization shall be exempt from the requirements of this article.

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

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

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

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

522 (Ord. of 12-5-11)

523 Sec. 22-194. - Penalty.

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

527 (Ord. of 12-5-11)

528 Secs. 22-195—22-210. - Reserved.

529 |

530 EXPLANATION OF CHANGES

531 NOTE: Deletions are ~~stricken through~~, additions are underlined.

532
533 ARTICLE VI. - TEMPORARY SALES, ~~AND SOLICITORS,~~ MOBILE FOOD SERVICES AND ~~STREET~~
534 VENDORS

535 FOOTNOTE(S):

536 --- (5) ---

537
538 **Editor's note**— An ordinance adopted Dec. 5, 2011, amended art. VI in its entirety to read as
539 herein set out. Former art. VI, §§ 22-181—22-187, was entitled "Temporary Sales and
540 Solicitors", and derived from: Ord. of Feb. 26, 2007(1).

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

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

554 (Ord. of 12-5-11)

555 **Sec. 22-182. - Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

608 (Ord. of 12-5-11)

609 **Sec. 22-183. — ~~Temporary sales or solicitor-p~~Permit requirement.**

610

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

621 (Ord. of 12-5-11)

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

623

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

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

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

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

655 (1) Name, address and telephone number.

656 (2) Copy of picture ID verifying identification.

657 (3) County or state required permits.

658 (4) Current Georgia occupational tax license.

659 (5) Owners permission to use C2 property.

660 (6) Site plan showing location of sales.

661 (7) List of products being sold.

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

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

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

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

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

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

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

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

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

682 (Ord. of 12-5-11)

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

684

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

693
694 (b) Specific requirements. Any person intending to operate a mobile food service and vending
695 unit within the corporate limits of the City of St. Marys shall obtain, prior to commencing
696 operation:

697
698 (1) All permits as may be required to operate a mobile food service unit by the state, including
699 the Department of Public Health, and Camden County, including the Health Department;

700
701 (2) A City of St. Marys Mobile Food Service and Vending Unit Permit, including

702 a. Mobile Food and Vending Location Plan & Agreement

703 b. Mobile Food and Vending Itinerary & Operating Schedule

704 c. Mobile Food Restroom Agreement; and

705
706 (3) A City of St. Marys Occupational Tax License

707
708 (c) Mobile food service and vending unit permit application - contents. Applicants seeking a
709 Mobile Food Service and Vending Unit Permit shall submit, on an annual basis, an application for
710 such permit to the Community Development Director, or his/her designee. The application shall
711 be furnished under oath on a form specified by the Community Development Director,
712 accompanied by a non-refundable application fee as set forth by the **City Council, in the City**
713 **Permit & License Fee Table, located at the City Clerk's Office and made available on the City's**
714 **website.** Such application shall include:

715
716 (1) The name, address, telephone number, and email address of the mobile food service unit's
717 owner(s) of record and the natural person(s) who will be operating the mobile food service and
718 vending unit, if different from the owner(s). A permit shall be required for each mobile food
719 service and vending unit, notwithstanding unity of ownership or operation. Where an owner(s)
720 is a non-natural person whether or not formally organized, the application shall identify all
721 partners, officers, directors and/or natural person with a financial interest in any such entity,
722 including personal contact information for each;

723
724 (2) Information identifying the mobile food service and vending unit including, its make, model
725 and license plate number, together with a photograph of the mobile food service and vending
726 unit;

727
728 (3) The corporate and, where applicable, trade name of the base of operations associated with
729 the mobile food service unit, together with a copy of the base of operation's City of St. Marys
730 Occupational Tax License. Where the base of operation is located outside the City limits, the
731 applicant shall provide evidence of licensing in the base of operation's home jurisdiction;
732

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

779
780 **Sec. 22-186 Grant or Denial of Application.**

781
782 Review and consideration of an application shall be conducted **fairly and objectively** by the
783 Permit Review Team, which includes the Community Development Director, Public Works
784 Director, Fire Chief and Building Official, at their weekly meeting. Applications may be denied
785 where an applicant fails to demonstrate that he or she meets the conditions and requirements
786 of this Article, or where an applicant fails to comply with applicable local, state or federal law.
787 Any false statements, material omissions or substantially misleading information provided in an
788 application or furnished by an applicant in connection with an application constitute grounds for
789 any one or combination of the following sanctions: permit denial; refusal to renew a permit;
790 permit revocation; permit suspension; and imposition of penalties.

791
792 **Sec. 22-187 Operational Requirements and Provisions.**

793
794 (a) *Food trucks.* The following operational requirements and conditions apply to food trucks:

795
796 (1) Food trucks shall not conduct business without all required permits, with the exception of
797 special events recognized by the City of St. Marys for which the food truck has received pre-
798 approval from the Community Development Department Director.

799
800 (2) Food trucks shall limit operations to the hours of 7:00 AM to 9:00 PM.

801
802 (3) Food trucks shall not operate on private property without the written consent of the
803 property owner.

804
805 (4) Only three food trucks are permitted at one time in each of the Downtown, Midtown and
806 Westside Zones, as identified on the Vending Zone Map, unless they have an authorized
807 Assembly Permit from the City Manager.

808
809 (5) No operator or employee of a food truck may, at any time, utilize amplified sound devices to
810 solicit patrons or otherwise advertise the truck's goods and services, except those identified in
811 the Mobile Food and Vending Location Plan & Agreement. Food trucks shall comply with the
812 City's Noise Control Ordinance, as amended.

813
814 (6) The mobile food service unit permit, together with all applicable health certificates, including
815 food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location,
816 which shall be plainly visible to the public at all times the food truck is conducting business.

817
818 (7) Food trucks may conduct business only within the Food Truck Zone designated for such
819 activity set forth by the St. Marys Vending Zone Map, as amended, with the exception of ice
820 cream trucks, selling only pre-packaged frozen products approved by the County Health
821 Department.

822
823 (8) When conducting business, food trucks shall provide no less than ten feet of unobstructed
824 pedestrian space, as measured from the main service window and shall locate its service
825 window towards the sidewalk and not the street.

826
827 (9) Food trucks may not be left unattended or otherwise stored on sites at which they offer the
828 sale of food and beverage to the public.

829
830 (10) Food trucks shall comply with all applicable local, state and federal health and safety laws,
831 regulations and rules.

832
833 (11) Food trucks may place one temporary sandwich board or feather sign for advertisement
834 purposes no more than four feet from the main service window. All other signage shall be
835 limited to the vehicle and is not allowed to extend beyond the vehicle by more than four feet.
836 All signage permitting fees are included in the Mobile Food Service Unit Permit fee.

837
838 (12) Food trucks may not conduct business in a location that might block or impede either
839 pedestrian or vehicular traffic.

840
841 (13) Food trucks may not conduct business with any person while such person is situated in a
842 motor vehicle.

843
844 (14) Food trucks may provide temporary seating for up to 12 customers; provided, however,
845 that such seating does not impede any right-of-way or any other public space. A scaled drawing
846 must be submitted with the application which indicates the proposed dimensions and layout of
847 the proposed temporary seating area.

848
849 (15) Toilet Facilities- See Georgia Department of Public Health Rule 511-6-1-.06(2)(h).
850

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

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

857
858

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

860
861 (1) Pushcarts shall not conduct business without all required permits, with the exception of
862 special events recognized by the City of St. Marys for which the pushcart has received pre-
863 approval from the Community Development Director.

864
865 (2) Pushcarts shall limit operations to the hours of 7:00 AM to 9:00 PM.

866
867 (3) Only three pushcarts are permitted at one time in the Vending Zone, as identified on the
868 Vending Zone Map, unless they have an authorized Assembly Permit from the City Manager.

869
870 (4) No operator or employee of a pushcart may, at any time, utilize amplified sound devices to
871 solicit patrons or otherwise advertise the pushcart's goods and services. Pushcarts shall comply
872 with the City's Noise Control Ordinance, as amended.
873

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

878
879 (6) Pushcarts may conduct business only within the Vending Zone designated for such activity
880 set forth by the St. Marys Vending Zone Map, as amended.

881
882 (7) When conducting business, pushcarts shall provide no less than six feet of unobstructed
883 pedestrian space, as measured from the main service window.

884
885 (8) Pushcarts shall comply with all applicable local, state and federal health and safety laws,
886 regulations and rules.

887
888 (9) Pushcarts may not display signage not affixed to the vehicle and shall never exceed 25
889 square feet of signage.

890
891 (10) Pushcarts may not conduct business in a location that might block or impede either
892 pedestrian or vehicular traffic.

893
894 (11) Pushcarts may not conduct business with any person while such person is situated in a
895 motor vehicle.

896
897 (12) Pushcarts may not furnish temporary seating.
898

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

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

904
905
906 **Sec. 22-188 Litter.**
907

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

912
913 (b) The area within which a mobile food service unit operates shall, at all times, be kept clean
914 and free from litter, garbage, rubble and debris. For purposes of this Section, a mobile food
915 service unit shall be responsible for maintaining in a safe and hygienic manner, the premises on
916 which it is situated.

917
918 **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 codes. 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:

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

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

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

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

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

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

975
976 2. To ensure the continued application of the intent and purpose of this Article:

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

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

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

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

992
993 3. Violations of this Article are subject to the following sanctions, which may not be waived or
994 reduced and which may be combined with any other legal remedy available to the City:

995 (a) First violation: \$500.

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

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

999
1000 4. Nothing in this section shall limit the City from enforcement of its code, state or federal law
1001 by any other legal remedy available to the City. Nothing in this section shall be construed to limit
1002 or supplant the power of any City inspector or other duly empowered officer under the City's
1003 ordinances, rules and regulations or the authority granted under state law, as amended, to take
1004 necessary action, consistent with the law, to protect the public from operation of a mobile food
1005 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)~~

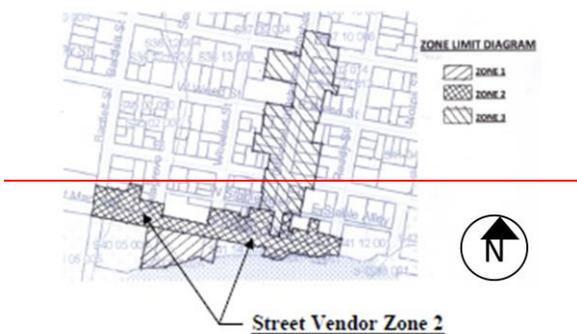
~~Sec. 22-186.— Prohibited acts—Peddler or solicitor.~~

- 1046 ~~It shall be unlawful for any peddler or solicitor to:~~
- 1047 ~~(1) Call at residences, offices or businesses clearly displaying a sign stating "No Solicitors~~
 - 1048 ~~or Temporary Sales Invited," "No Solicitation," "No Solicitation within a marked~~
 - 1049 ~~neighborhood", or using similar language.~~
 - 1050 ~~(2) Engage in door-to-door soliciting on Sundays or between the hours of 6:00 p.m. and~~
 - 1051 ~~10:00 a.m. Monday through Saturday.~~
 - 1052 ~~(3) Enter any private dwelling without the consent of the owner or occupant, or to remain~~
 - 1053 ~~there after being requested or directed to leave.~~
 - 1054 ~~(4) Fail to register and carry or produce for inspection a permit when required under this~~
 - 1055 ~~article.~~
 - 1056 ~~(5) Make any false or deceptive statement on any registration hereunder.~~
 - 1057 ~~(6) Operate more than one temporary sales business at one location.~~
 - 1058 ~~(7) Operate more than two temporary sales businesses within a city block.~~
 - 1059 ~~(8) Violation of any and all city, county or state ordinances or laws.~~

1060 ~~If any prohibited act is violated, upon Upon the first offense violation of these regulations, the~~
 1061 ~~temporary sales or solicitor permit will be revoked. The owner of the permit will not be~~
 1062 ~~permitted to reapply for another permit for a period of six months. Upon any prohibited act~~
 1063 ~~being violated, a second or subsequent time violation of these regulations, then the owners~~
 1064 ~~permit will be revoked and any reapplication for a permit by the owner will be permanently~~
 1065 ~~denied.~~

1066 ~~(Ord. of 12-5-11)~~

1067 ~~Sec. 22-187. -- Requirements for a street vendor.~~



- 1068
- 1069 ~~(a) Vendor zone: There would be one zone in the C-1 classification for street vendors known as~~
- 1070 ~~Zone 2. This zone uses the same zone designation as for the alcohol ordinance. Zone 2 is~~
- 1071 ~~the indicated area on the map north side of St. Marys Street. Street vendors are not~~
- 1072 ~~permitted in zone 1 or 3. Zone 2 permitted locations shall be based on area available~~
- 1073 ~~without using existing parking areas. Street vendors in zone 2 shall be limited to a~~

1074 maximum of three ~~six~~ vendors. There shall be no vendors located on the south side of St.
1075 Marys Street that would block the view to the St. Marys River.

1076 ~~(b) Street vendor equipment shall be reviewed by the historic preservation commission at a~~
1077 ~~regularly scheduled meeting. No permit shall be issued without a valid HPC certificate of~~
1078 ~~appropriateness.~~

1079 ~~(bc) The type of vendor shall be limited to the sale of the following items:~~

1080 ~~(1) Tee shirts, and caps, with St. Marys/Cumberland/Camden/Kingsland/Woodbine~~
1081 ~~themes. No "general" type Tee shirts and general merchandise.~~

1082 ~~(2) Postcards, of local attractions arts and crafts.~~

1083 ~~(3) Hot dogs/hot sausages with condiments. No fried foods. Fresh, packaged and prepared~~
1084 ~~foods and snacks.~~

1085 ~~(4) Packaged ice cream/yogurt products. Non alcoholic beverages.~~

1086 ~~(5) Prepackaged candy and snacks.~~

1087 ~~(5) Sun tan lotion, bug spray, sun glasses, and other outdoor protection products.~~

1088 ~~(cd) Any license issued under this option shall be for only one calendar year, excluding Official~~
1089 ~~City of St. Marys festival days. Partial year permits shall be prorated by month, with no~~
1090 ~~guaranteed future renewal of any license, or any guarantee of the continuation of this~~
1091 ~~option beyond one calendar year. No license issued shall extend beyond December 31,~~
1092 ~~2012.~~

1093 ~~(de) Fees for a vendor license shall be:~~

1094 ~~(1) Application fee of \$50.00 (nonrefundable).~~

1095 ~~(21) Yearly license fee of \$300 per month year prorated for any full months already passed~~
1096 ~~at the time of the issuance of the permit to the end of the year.~~

1097 ~~(32) Occupation tax license as set forth in section 22-26-21 et.seq.~~

1098 ~~(ef) Signage shall be limited to the cart or umbrella only. Push in signs of any type or location~~
1099 ~~are not permitted. There will be no fee charged for signage on the cart or umbrella.~~

1100 ~~(fg) Vendor shall not provide any seating, tables or other similar equipment.~~

1101 ~~(gh) Vendor shall provide a visually appropriate container for trash. Vendor shall pick up and~~
1102 ~~remove any trash originating from him or his customers on a daily basis using the vendor's~~
1103 ~~own resources. Vendor shall not use city trash containers for vendor trash. The public, after~~
1104 ~~purchase of any item, is not prohibited from using city trash containers.~~

1105 ~~(h) All vendors and their products shall be reviewed annually for adherence to the provisions~~
1106 ~~of this article.~~

1107 ~~(Ord. of 12-5-11)~~

1108 Sec. 22-~~188~~193. - Exemptions.

1109 (a) With the exception of street vendors, any person who, ~~without compensation,~~ solicits or
1110 accepts money, donations, or financial assistance of any kind for any religious, charitable,
1111 educational, political, or nonprofit organization or sells merchandise or provides

1112 services for a fee on behalf of such an organization, or who leaves leaflets or flyers or other
1113 papers related to such an organization shall be exempt from the ~~registration and permit~~
1114 requirements of this article. ~~Such persons shall remain subject to the prohibitions set forth~~
1115 ~~in subsections 22-186(1) through (3).~~

1116 (b) Any person who calls upon homes, offices or businesses at the request of, or with the
1117 express permission of the occupants is exempt from the requirements of this article.

1118 (c) Any person who represents a business which has entered into a franchise agreement with
1119 the City of St. Marys for providing agreed upon services, and that business has registered
1120 under Sec. 22-184 with the City for an annual fee of \$300.00 and where all individuals
1121 soliciting information on behalf of the business have registered for a permit by providing
1122 the Community Development Department all information required under Sec. 22-184(c)
1123 and carry the permit at all times, as required under Sec. 22-183 is exempt from the
1124 requirements of this article.

1125 (d) Anyone under the age of sixteen operating a booth or stand for a time not to exceed forty-
1126 eight hours and not impeding a sidewalk or right-of-way.

1127 (e) Seasonal sales of locally grown produce, with written permission of the C-2 property owner
1128 or approval from Community Development for Community Markets or Special Events,
1129 provided the operator has a valid Occupational Tax License in the State of Georgia.

1130 (Ord. of 12-5-11)

1131 Sec. 22-~~189~~194. - Penalty.

1132 Any person who shall violate the provisions of this article shall be punished as provided in
1133 section 1-12 and in this article. Each day of operating the prohibited activities under this article
1134 shall constitute a separate violation of this article.

1135 (Ord. of 12-5-11)

1136 Secs. 22-~~190~~195—22-210. - Reserved.