Decatur, Georgia

Mobile Food Facility

Application Guide

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MOBILE FOOD FACILITY APPLICATION GUIDE

Contents

[1.0 Introduction 4](#_Toc484786465)

[2.0 Mobile Food Facility Operation 5](#_Toc484786466)

[2.1 Standards **Error! Bookmark not defined.**](#_Toc484786467)

2.2 Definitions 6

[3.0 Application Process 7](#_Toc484786471)

[3.1 Preparation](#_Toc484786472)  7

3.2 Scope of Process 7

[4.0](#_Toc484786471) Annual Renewals 9

1.0 INTRODUCTION

What is a Mobile Food Facility?

A mobile food facility is a non-motorized, non-self-propelled vehicle that is readily movable or towable and that is commercially-designed to handle food preparation and service from which food or beverage is sold or offered for sale directly to a consumer. The City of Decatur has announced the creation of a new mobile food facility (aka food cart) permit to create opportunities to support local businesses in a way that does not require significant start-up costs, but rather offer quick to-go meals. Pursuant to Chapter 86 of the City Code of Ordinances, mobile food facilities may be permitted on an annual basis.

Purpose of a Mobile Food Facility

Mobile food facilities will promote opportunities for businesses and will encourage creative reuse of public spaces, by permitting as a limited use food sales in public spaces; areas which include but are not limited to public sidewalks, parks, and places by redefining improper uses of public spaces and while creating a new food sales option needed to serve both Decatur’s residents and visitors attracted to alternative dining options.

Applicability

A mobile food facility permit is needed when a mobile food facility wishes to locate on an individual parcel or within any public right-of-way (e.g. street, sidewalks, or plazas). A mobile food facility permit is valid for one year, subject to conditions, and is renewable only by action upon a new application.

For additional information contact:

City of Decatur Community and Economic Development Department

c/o Shirley Baylis, Business Development Manager

509 N. McDonough Street

Decatur, Georgia 30030

tel: 404-371-8386

# 2.0 MOBILE FOOD FACILITY OPERATION

A mobile food facility permit is valid for one year and its operation is subject to the following conditions, per Chapter 86 of Part III and Article 6 of Part IV of the City of Decatur Code of Ordinances, as amended per Ordinance O-17-04, adopted May 15, 2017.

## Standards of Operation

* Each person is allowed to operate a maximum of one mobile food facility in the city.
* Mobile food facilities may only be operated in mixed use and commercial districts.
* Mobile food facilities may not be operated within 100 feet of any residentially zoned land except pursuant to a special event permit.
* *Blocking of roadway and bicycle paths; placement on sidewalks.* No person shall place a mobile food facility, wholly or in part, upon or over any portion of the roadway of any public street, including bicycle paths. No person shall place a mobile food facility, wholly or in part, within a public sidewalk or plaza in a manner that endangers the safety of persons or property or that impedes the flow of pedestrian or vehicular traffic, including ingress into or egress from any residence or place of business. No person shall place a mobile food facility that reduces the clear zone of a public sidewalk to a width of less than 5 feet.
* Any person granted a mobile food facility permit shall have their legal name, address, telephone number, valid city permit, and valid permit from the DeKalb County

Board of Health affixed to the mobile food facility in a place where such information is easily visible to the customer.

* A mobile food facility shall not exceed a maximum operation area of 36 square feet.
* No such mobile food facility shall be operated, placed or maintained within 10 feet of any other mobile food facility, said distance to be measured by City staff.
* No mobile food facility shall be placed within 50 feet of any primary entrance of any restaurant within the city, said distance to be measured by City staff.
* No mobile food facility shall be placed within 20 feet of a street intersection or of a street intersection with a railroad right-of-way line, said distance to be measured by City staff.
* No sale or serving of alcohol.
* No sale to persons in vehicles.
* No amplified sound or loudspeakers.
* No aggressive sales, calling out, or yelling.
* No lighting, except localized lighting that is used on or in the mobile food facility for the purpose of operating the mobile food facility.
* Each mobile food facility shall be maintained in a clean, neat and attractive condition and in good repair at all times.
* The on-site presence of an individual owner or employee during hours of operation is required.
* *Hours of operation.* Except during permitted festivals, food carts are able to operate during the following hours, including set up, sales, take down and removal:

|  |  |
| --- | --- |
| Monday - Thursday | 8 a.m. – 9 p.m. |
| Friday – Saturday | 9 a.m. - 10 p.m. |
| Sunday | 9 a.m. - 8 p.m. |

## Definitions

As used in this section, the following terms shall have the following meanings:

* *Operation area*: The amount of area needed to operate a particular mobile food facility, including both the amount of area occupied by the mobile food facility and an amount of area adjacent to the mobile food facility reasonably sufficient for an individual to operate the mobile food facility.
* *Person:* Any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, or other group or combination acting as a unit, whether public, private, or quasi-public.
* *Mobile food facility:* A non-motorized, non-self-propelled vehicle that is readily movable or towable and that is commercially-designed to handle food preparation and service from which food or beverage is sold or offered for sale directly to a consumer.
* *Street:* All that area dedicated to public use for public transportation purposes and shall include, but not be limited to, roadways, alleys and sidewalks.
* *Roadway:* That portion of a street improved, designed or ordinarily used for vehicular travel, including bicycles.
* *Public sidewalk:* Any surface provided for the use of pedestrians, on any public right-of-way under the jurisdiction of the city.

# 3.0 APPLICATION PROCESS

Any person who wishes to operate, place or maintain any mobile food facility upon, in, within or over any public sidewalk or private property must first obtain a mobile food facility permit from the City.

## Preparation

An application form is provided through the City website and must be completed and submitted through the online portal. Use the following checklist to gather documentation needed to complete the application.

☐ Federal Employer ID Number.

☐ State Withholding Tax Number.

☐ State Sales Tax Number.

☐ Certificate of Organization.

☐ Property Owner Authorization (private property permits only).

☐ Indemnification and hold harmless agreement (sidewalk or public plaza permits only).

☐ Dimensional size of mobile food facility (height x width x length).

☐ Preferred location of mobile food facility (upload location map).

☐ Preferred days and hours of operation.

☐ The legal name, address and telephone number of the applicant to include the address at which the applicant will receive notices as provided through the United States Postal Service and the telephone number to which any notice of complaints can be directed.

☐ City-issued business license number, if already issued; or an affidavit attesting that the applicant either has applied or will immediately apply for occupation tax certificate (also known as a business license) for the operation of a food/beverage food stand from the City of Decatur.

☐ An affidavit attesting that the applicant either has applied for or will immediately apply for the applicable permit for the operation of the mobile food facility from the DeKalb County Board of Health in accordance with its rules and regulations and certify that the proposed mobile food facility will meet and be operated in conformance with all applicable state laws and regulations, including the Georgia Department of Agriculture, county ordinances and regulations, and city codes and regulations.

## Scope of Process

Once a complete application is submitted through the online portal, the city manager or their designee will review the application to operate a mobile food facility. If the city manager or their designee determines the mobile food facility will be able to comply with all applicable requirements, the city manager or their designee will direct the applicant to proceed with obtaining any other certificates or approvals necessary to approve the application for a permit.

However, the permit for operation shall not be issued until the applicant has obtained the applicable permit from the DeKalb County Board of Health and an occupation tax certificate (also known as business license) from the City of Decatur.

If an occupation tax certificate has not been previously issued by the City, No occupation tax certificate, regulatory fee certificate, or clearance to operate shall be issued to any shoe shine, newsstand, popcorn, food/beverage vendor, or any other retail stand, where such stand or stands propose to locate on any street, sidewalk, alley, or public area of the city, unless written permission is granted by the city commission.

Where a business is operated at more than one place or where the business includes more than one line, said business shall be required to obtain the necessary registration for each location and line and pay an occupation tax in accordance with the prevailing taxing method and tax rate for the dominant line of business.

A permit is valid for one year from the initial date of issue. No permit for the operation a mobile food facility shall be transferable. A mobile food facility permit authorizes the mobile food facility to operate only at the specific location identified in the permit and only for the days and/or hours identified on the permit. The mobile food facility cannot be in use at any other time. Permits may be revoked by the city commission for failure of the permittee to comply with all applicable requirements.

A non-refundable administrative fee is required for the issuance of a mobile food facility permit in an amount set annually in the City fee schedule.

Denial of a permit will be provided in writing listing the reason or reasons for denial. The applicant will be given notice of the opportunity to appeal the denial of a permit in writing to the city manager or the city manager's designee. The written appeal must include specific information as to why the permit should not be denied and must be filed within 15 days of the date of the notice of the denial of the permit.

# 4.0 Annual Renewal

Annual renewals will occur A permit is valid for one year from date of issue. No permit for the operation a mobile food facility shall be transferable. A mobile food facility permit authorizes the mobile food facility to operate only at the specific location identified in the permit and only for the days and/or hours identified on the permit. The mobile food facility cannot be in use at any other time. Permits may be revoked by the city commission for failure of the permittee to comply with all applicable requirements.