



Planning & Development 706-335-4200 building@commercega.gov

Food Truck & Mobile Food Units Unified Development Code Permit Agreement

A Permit is required to operate a Food Truck and Mobile Food Unit in the City of Commerce and the Permit is governed by the following City code sections and all applicable State laws, rules and regulations.

Definition: *Food truck:* A licensed, motorized vehicle or mobile food unit which is temporarily placed on a privately owned lot (or in authorized instances, on public property) where food items are sold to the general public. Preparing and selling meals and snacks for immediate consumption from motorized vehicles or nonmotorized carts, catering a route. A food truck upon its establishment on a property is deemed to be an Accessory use subject to the terms of Commerce UDC Sec. 3-001.

UDC Sec. 3-038. Food Truck or Mobile Food Vendor

www.commercega.gov

- a. **Motor vehicle tag.** A food truck must have a valid tag from the state's Division of Motor Vehicles.
- b. **Food service rules.** Food trucks, and mobile food vendors as may be applicable, shall operate in accordance with the State of Georgia's Rules and Regulations for Food Service.
- c. **Health department license, permit or approval.** The operator of a food truck or mobile food vendor shall make application for a license or permit as may be required to the Jackson County Health Department, and the applicant shall submit evidence of health department approval prior to authorization by the Zoning Administrator. No food truck shall operate without health department permit or approval.
- d. **Owner authorization.** Food truck operators and mobile food vendors shall obtain the signed approval of the property owner for each location at which the food truck or mobile food vendor operates. Such approval must be made available for inspection upon request. Food trucks are not permitted to operate (except in transit) on a public right of way except by permit issued by the Zoning Administrator for special events sponsored or approved by the city.
- e. **Separation distances specified.** No food truck shall operate (as measured in a straight line from property line to closest point of the approved food truck location, where distances are specified) within: 750 feet of a public or private elementary, junior or high

school while school is in session; nor within 150 feet of a property with a single or two-family residential dwelling; nor within 100 feet of a restaurant entrance, unless a waiver is granted by the owner of property on which the restaurant is located.

- f. **Hours of operation.** Food trucks and mobile food vendors shall not operate between the hours of 10:00 p.m. and 7:00 a.m. Food trucks shall be parked in an approved operating location overnight off the service premises.
- g. **Additional operational constraints.** No food truck or mobile food vendor shall be permitted to have a vehicular drive-through facility or drive-up window. No amplified microphones or bullhorns shall be permitted as part of the food truck or mobile food vendor operation.
- h. **Sanitation.** Food truck operators and mobile food vendors shall be responsible for the proper disposal of waste and trash associated with the operation. Public trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public. Food truck operators are not allowed to use City receptacles for the disposal of fats, oils, and greases.
- i. **Location.** No food truck shall conduct business or operate in the public right-of-way. Food trucks can only operate in commercial and industrial zonings. Food trucks may not obstruct pedestrian, bicycle or vehicle circulation routes, and must be set back at least ten (10) feet from the edge of any driveway or public sidewalk and at least fifteen (15) feet from fire hydrants. Food truck vendors shall not be located within fifteen (15) ft. of any street intersection or pedestrian crosswalk.
- j. **Number of Food Trucks Allowed.** The number of food trucks allowed per site is limited as follows:
 - 1. A maximum of one food truck is allowed on sites with less than 20,000 square feet of land area.
 - 2. On sites with land area of 20,000 square feet or more, one food truck is allowed per 20,000 square feet of land area or fraction thereof.
 - 3. For purposes of this provision, a site may consist of one lot or a combination of contiguous lots.
 - 4. The number of food trucks allowed may be increased above the limits established in this section if approved in accordance with the special land use permit.
- k. **Parking.** Food trucks and any associated seating areas may not occupy parking spaces provided to meet the minimum parking requirements of the principal use, unless the

principal use's hours of operation do not coincide with those of the food truck business. Food trucks may not occupy any parking spaces reserved for persons with disabilities.

- l. **Noise.** A food truck vendor shall not make sounds or announcements to call attention to the food truck vendor either while traveling on the public rights-of-way or when stationary.
- m. **License.** The license under which a food truck vendor is operating must be firmly attached and visible on the food truck or pushcart at all times. Any driver of a food truck must possess a valid Georgia's driver's license.
- n. **Attendance.** Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- o. **Items for Sale.** The food truck vendor may sell food and non-alcoholic beverage items only, unless authorized for a City sponsored event.
- p. **Removal.** Food trucks and associated outdoor seating must be removed from all permitted locations when not in operation.
- q. **Insurance.** A food truck vendor shall maintain a \$1,000,000 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the food truck vendor, the public and the City from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the City as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advanced written notice to the City.

The above code section can be found at www.commercega.gov under City Ordinances

By signing below, the undersigned acknowledges that they have read and understood the terms of the permit and agrees to be bound by them. The undersigned further acknowledges that they have no right to contest the revocation of this permit and hereby waives any such right.

Applicant: _____ Date: _____

Building Official: _____ Date: _____

Business License Clerk: _____ Date: _____

