

ORDINANCE

ORDINANCE TO AMEND CHAPTER 18 OF THE CODE OF THE CITY OF SUGAR HILL, GEORGIA

The City Council of the City of Sugar Hill, Georgia hereby ordains that the Code of the City of Sugar Hill, Georgia shall be amended as follows:

Section 1:

By deleting Article VI. (Food Vending Vehicles) of Chapter 18 (Businesses) in its entirety and replacing it with a new Article VI. to be titled Mobile Food Vendors and to read as follows:

ARTICLE VI. MOBILE FOOD VENDORS

DIVISION 1. GENERALLY

Sec. 18-221. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

City means the City of Sugar Hill.

Commissary means an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

Mobile food vendor also known as “food truck” means a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food. Mobile food vendor shall include pushcarts and temporary food establishments.

Pushcart means a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.

Temporary food establishment means a retail food establishment, other than a permit mobile food vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

Ice cream truck means a motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the city.

Sec. 18-222. Prohibited Conduct and Requirements

- (a) No mobile food vendor shall conduct business or operate in the public right-of-way unless in conjunction with a city-sponsored event, with the exception of ice cream trucks, which may operate in the public right-of-way in residential areas for not more than 10 minutes per stop.
- (b) No sale shall be made by any mobile food vendor between 11 p.m. and 6:30 a.m. unless such sale is in conjunction with a city-approved special event.
- (c) A mobile food vendor shall not operate on any property without the prior consent of the owner.
- (d) Except for ice cream trucks, a mobile food vendor shall not make broadcasts, sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary. At all times, said mobile food vendor shall be in compliance with the City of Sugar Hill noise ordinance.
- (e) The permit under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor or pushcart at all times.
- (f) Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.
- (g) Except for ice cream trucks, mobile food vendors are allowed only in commercial zoning districts that allow restaurants, including breweries and distilleries.
- (h) Mobile food vendors shall not be located within fifteen (15) feet of any street intersection or pedestrian crosswalk or ten (10) feet of any driveway.
- (i) 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.
- (j) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three (3) inches in height, with the name and address of the mobile food vendor permit.
- (k) The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all permits required by

any other health, organization or governmental organization having jurisdiction over this subject matter.

- (l) Upon the filing of an application, the city may request that appropriate health officers investigate the facilities for storage and dispensing of food products in each vehicle or cart of the applicant. If the vehicle or cart is found to be unsatisfactory, the health officer shall so report to the Planning Director and the permit shall be denied.

- (m) Upon the filing of an application, the city may request the marshal's office or police department to investigate each vehicle to determine that it is mechanically and operationally safe. If the vehicle is found to be unsafe, a sworn police officer shall so report to the Planning Director and the permit shall be denied.

- (n) Mobile food vendors may locate on a lot with principally permitted use of the same zoning provided there is a maximum of one truck on lots less than one-half acre in size, two food trucks on lots of one-half acre to one acre in size; and a maximum of three food trucks on lots greater than one acre in size.

Sec. 18-223. Safety Standards

The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:

- (1) Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.

- (2) Every vehicle shall be equipped with two (2) rear-vision mirrors, one (1) at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

- (3) The mobile food vendor may sell food and non-alcoholic beverage items only.

Sec. 18-224. Insurance and indemnity

- (a) A mobile food vendor shall maintain a one-million-dollar (\$1,000,000.00) liability insurance policy. Proof of current liability insurance, issued by an insurance company permit to do business in Georgia, protecting the mobile food 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.

- (b) As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the City of Sugar Hill, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

Secs. 18-225—18-240. Reserved.

DIVISION 2. PERMIT

Sec. 18-241. Permit required.

- (a) It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary, mobile retail food establishment, pushcart or temporary food establishment without a permit first having been granted under this article. Further, no person shall operate as a mobile retail food establishment, pushcart, or temporary food establishment without having first secured a valid permit for each place of business operated within the city and also for each vehicle or pushcart to be used in the operation of any such business.
- (b) An application for a permit hereunder shall be submitted to the Planning Director or his or her designee setting forth all information required hereunder and in compliance with this ordinance. The Planning Director or his or her designee shall develop a form of application for the purpose of compliance with this article.

(1) The following information shall be provided with each application for a mobile food vendor permit:

- i. Name and address of the vendor;
- ii. Make, model, and permit plate number of vending unit;
- iii. Owner's contact information;
- iv. Operator's contact information;
- v. Type of vendor (street vending unit or sidewalk vending unit);
- vi. Copy of approved permit from the Gwinnett County Health Department;
- vii. List of operating locations and times;
- viii. Signatures from property owners indicating consent for the use of their property; and
- ix. Signature of applicant indicating agreement to the listed requirements.

Sec. 18-242. Fees and term.

- (a) The permit fee shall be \$25.00 for each pushcart or vehicle.
- (b) All such permits shall expire at 12:00 midnight on December 31 following issuance; and the full amount of the permit fee shall be paid regardless of the time of the year in which the permit is issued.

Sec. 18-243. Revocation; appeal.

- (a) The city shall have the right to revoke or suspend any permit granted under this article.
- (b) Permits issued hereunder shall be revoked or suspended by the city clerk for any of the following reasons:
 - (1) If a permit has fraudulently obtained the permit by willfully giving false information on any substantial matter in the application.
 - (2) If the permit has violated any of the provisions of this article or any other division or any law of the state relating to vehicular vendors.
 - (3) For the conviction of any crime involving moral turpitude.
 - (4) For conducting the business of the permit in an unlawful manner or in a manner constituting a breach of the peace or a menace to the health, safety, and general welfare of the public; and
 - (5) If the permit has become ineligible to obtain a permit under this article.
- (c) Any person aggrieved by the revocation of his permit by the city clerk may appeal to the governing body within five days after notice of such revocation or suspension.

Sec. 18-244. Penalty for violation of article.

Any person, firm or corporation violating any provision of this article shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Secs. 18-245—18-280. Reserved.

Section 2:

Except as specifically amended as set forth above, all other sections and provisions of the city code shall remain in full force and affect. Further, all other sections and provisions of the city code shall remain materially unchanged and in full force and affect.

Section 3:

All ordinances, regulations, or parts of the same conflict with this ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 4:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

IT IS SO ORDAINED this 9th day of March, 2026.

Those voting in favor:

Those voting in opposition:

Joshua Page, Council Member Post 1

Joshua Page, Council Member Post 1

Gary Pirkle, Council Member Post 2

Gary Pirkle, Council Member Post 2

Meg Avery, Council Member Post 3

Meg Avery, Council Member Post 3

Alvin Hicks, Council Member Post 4

Alvin Hicks, Council Member Post 4

Samantha Piovesan, Council Member Post 5

Samantha Piovesan, Council Member Post 5

ATTEST:

Jane Whittington, City Clerk

Submitted to Mayor: _____ / _____ / _____

Approved by Mayor, this _____ day of _____ 2026.

Brandon Hembree, Mayor