

designated in the application.

- 9) VIOLATIONS; SEXUALLY ORIENTED BUSINESS INJUNCTION. A person who owns real estate upon which a sexually oriented business is located, operates, or causes to be operated a sexually oriented business without a valid permit or in violation of *Section 11.15 – Sexually Oriented Business Permit* is subject to a suit for injunction as well as prosecution for violations. Such violations shall be punishable by a fine of two-thousand five-hundred dollars (\$2,500.00) per violation. Each day that a violation exists shall constitute a separate offense. Suit may be commenced by the Dallas City Attorney or the Prosecuting Attorney of the 5th Circuit Superior Court District of Georgia.

### Sec. 11.16 – FEES

#### 1) ESTABLISHMENT OF FEES

- a) The fees for all applicant costs incurred in this ordinance shall be established by the Dallas City Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this ordinance, unless and until a filing fee is paid to the City and the application is deemed complete by the City.
- b) The applicant shall be responsible for unforeseen expenses incurred by the City in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services including expenses and legal fees in connection with reviewing the plan, prepared reports, inspections, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.
- c) Failure to pay the above costs within thirty (30) days of invoice shall stop all processing and review of the site development Plans or shall cause suspension of all development activities on the site.

#### 2) SCHEDULE OF FEES

- a) The City of Dallas shall establish a schedule of fees for Land Disturbance Permits, amendments, appeals, variances, Special Exception use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. Such expenses may include items such as the cost of using professional services to review plans or applications.
- b) The schedule of fees shall be posted in the office of the City Clerk.
- c) Until all applicable fees have been paid in full, no action shall be taken on any application or appeal. Upon the finding of a zoning ordinance violation by a court of competent jurisdiction, the Court may award the City a reasonable attorney fee for the prosecution of said action.
- d) All application and filing fees are nonrefundable regardless of the outcome of the application. This can be waived by the Director.

### Sec. 11.17 – FOOD TRUCKS AND MOBILE FOOD VENDORS

#### 1) GUIDELINES

- a) Mobile food vendors (a mobile food dispensing vehicle that sells prepared food products) and mobile units that sell agricultural produce may be permitted, subject to the approval of a mobile food vendor permit by the Mayor and City Council and the presentation of written permission from the property owner on whose property the mobile food vendor is to be located. All mobile food

vending businesses shall be subject to the following criteria:

- i) A mobile food vending business shall be treated and permitted as a Peddler and subject to the regulations thereof.
- ii) All mobile food units shall be self-contained.
- iii) All required Georgia Department of Public Health permits must be obtained and copies provided.



iv) No mobile food vendor shall be allowed to operate in excess of four (4) consecutive days in any one location, unless they have the Mayor or City Council's written approval to operate at one location for an extended period of time related to a special event lasting more than four days. During days of non-operation, the mobile food vendor and all associated vehicles, etc. must be removed from the premises.

v) Only one mobile food unit shall be permitted on a site smaller than a quarter (¼) acre. A maximum of five mobile food units shall be permitted within a "mobile food unit park" – a.k.a. "food truck court" site larger than quarter (¼) acre but smaller than a ½ acre, unless approved otherwise in writing by the Mayor and City Council for a special event, community event or festival.

vi) Mobile food vendors shall only be located and operated in areas or districts zoned non-residential unless they are temporarily operated for specific events held at an institution (i.e. church, school, etc.) that is located on a parcel zoned for residential.

vii) No more than one mobile food vendor shall operate on the same site per day unless they have the Mayor and City Council's written approval related to a special event or the site is permitted as a "mobile food unit park" – a.k.a. "food truck court."



viii) Signage will be limited to signage located on the mobile food unit. No portable signage is allowed, with the exception of a sandwich board style sign.



ix) Property owners renting space to one or more mobile food units (constituting a "mobile food unit park" – a.k.a. "food truck court") shall be considered lessors and shall be required to pay the same annual business license rate per rental space as required of other landlords.

x) 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.



- b) A minimum of four parking spaces per site shall be required for the use of the mobile vendor patrons. Mobile food vendors may not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless they have written approval of the Mayor or City Council.
- c) No mobile vendor shall operate in the following areas:
  - i) Within ten feet from the right-of-way of any public street or roadway.
  - ii) Within a required landscape buffer or improvement setback.
  - iii) Within ten feet of any street intersection or cross walk.
  - iv) Within ten feet of any driveway or other curb cut access, loading zone, or designated transit stop.
  - v) In any area within fifteen (15) feet of a building entrance.
  - vi) On the median strip of a divided roadway.
  - vii) In front of display windows of a fixed location business.
  - viii) Within ten feet of a fire hydrant or fire escape.
  - ix) Within ten feet of any parking space or access ramp designated for persons with disabilities.
  - x) On unpaved surfaces, or City property unless otherwise permitted by the Dallas City Council.
- d) No vending cart or stand, or any other item related to the operation of a mobile vendor use, shall be located on any city sidewalk or other public way during non-vending hours. Nor shall any vehicle be parked, stored or left overnight on any city sidewalk or other public way.
- e) Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings, and refuse of any kind generated from their business. All trash or debris accumulating within twenty-five (25) feet of any vending stand shall be collected by the vendor and deposited in a trash container provided by the vendor. The trash container shall be emptied regularly and marked as being for litter.
- f) Mobile vendors may not do any of the following:
  - i) Obstruct pedestrian or motor vehicle traffic flow.
  - ii) Obstruct traffic signals or regulatory signs.
  - iii) Obstruct adequate access to emergency and sanitation vehicles.
  - iv) Interfere with access to abutting properties.
  - v) Sound any device that produces a loud noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.



- g) All mobile food vendors are required to have a grease trap that meets the specifications of the City's Public Works Department in addition to any linked physical address. Proof of this installation shall accompany the application for a license.

## 2) LICENSE 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 license first having been granted under this section, except for city-sponsored events.
- b) An application for a license or a permit hereunder shall be submitted to the community development director or his or her designee setting forth all information required hereunder and in compliance with this article. The community development director or his or her designee shall develop a form of application for the purpose of compliance with this article.



- c) The following information shall be provided with each application for a food truck vendor permit:

- i) Name of the food truck vendor;
  - ii) Make, model, and license 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 Paulding County Health Department;
  - vii) List of operating locations and times;
  - viii) Signatures from property owners indicating consent for the use of their property;
  - ix) Signature of applicant indicating agreement to the listed requirements.
- d) No sale or offer for sale shall be made from a food truck vendor unless the vehicle is marked, in letter and numbers at least three inches in height, with the name and address of the food truck vendor licensee.
- e) The food truck vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health organization or governmental organization having jurisdiction over this subject matter. An inspection by the Paulding County Fire Marshall's office and Building Official shall be required for all mobile food vendors.

3) PENALTIES

- a) Any person violating any provision of this article may be issued a citation by the Dallas Police Department or summons and shall be required to appear in the Dallas Municipal Court. Upon conviction, any person shall be subject to any fines and other applicable court costs which may be assessed by the Dallas Municipal Court.

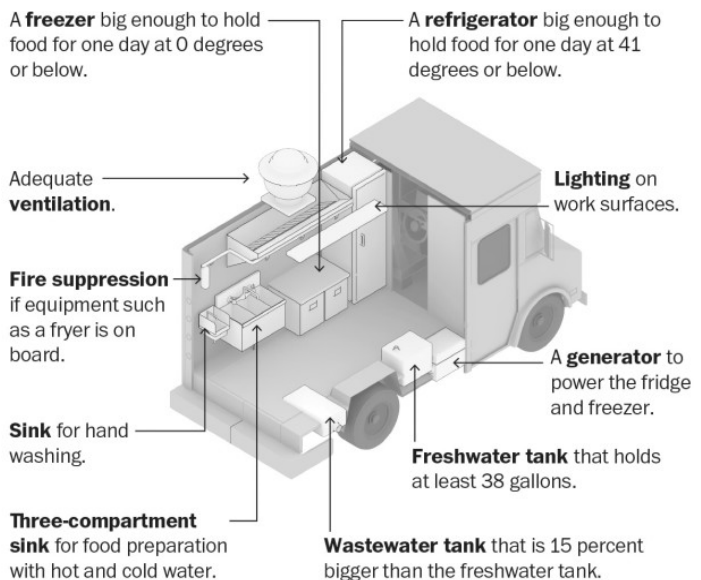
4) EXCEPTIONS

- a) The Mayor and City Council may provide written approval, related to a special event, of the following exceptions: duration, location, and hours of operation.

5) INDEMNITY

- a) 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 Dallas, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

Figure 11.2: Food Truck General Requirements



6) REVOCATION AND SUSPENSION

- a) The city shall have the right to revoke or suspend any license granted hereunder.

7) FEE

- a) The fee for every application for license under this section shall be set by the city council.