

**STATE OF GEORGIA**

**CITY OF HAMPTON**

**ADOPTED BY THE GOVERNING BODY THIS 11<sup>th</sup> DAY OF October 2022.**

**ORDINANCE NO. 2022-579**

**AN ORDINANCE OF THE CITY OF HAMPTON'S MAYOR AND COUNCIL AMENDING CHAPTER 22 BUSINESS REGULATIONS TO ADD ARTICLE XIV ICE CREAM VENDORS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Hampton (hereinafter "City") is governed by the Mayor and Council; and

**WHEREAS**, it is the desire of this Council to allow for ice cream vendors to do business in the City provided the activity is safe and protects the welfare of the citizenry; and

**AND WHEREAS**, it is in the City's best interest to revise the current Code of Ordinances to amend Chapter 22 Business Regulations to add an Article XIV for Ice Cream Vendors to allow for the regulated activity within the City.

**Section 1. NOW THEREFORE IT IS HEREBY RESOLVED** Chapter 22 Business Regulations of the City Code be amended to add an Article XIV entitled Ice Cream Vendors so that as newly created, Article XIV Ice Cream Vendors shall read:

***Article XIV. Ice Cream Vendors***

***Sec. 22.520 - Regulation and licensing of mobile ice cream vendors.***

***(a) Permit Required.*** *It shall be unlawful for any person to sell, or offer for sale, food of any type from a mobile ice cream vendor without a permit first having been granted under this section. Permittees selling ice cream from a motor vehicle and ice cream vendors shall be subject to this section.*

***(b) Definitions.***

*City. City shall mean the City of Hampton.*

*Ice Cream Motor Vehicle. A motor vehicle in which ice cream, popsicles, ice sherbets, or other frozen desserts or any other*

prepackaged snack food items of any kind are carried for the purpose of retail sale on public or private streets.

*Ice Cream Vendor.* The selling, displaying, or offering to sell ice cream or any other prepackaged snack food items prepackaged by the manufacturer for sale from an ice cream truck on public or private streets

***(c) Standards specific to selling ice cream from a motor vehicle.***

- (1) Permittees selling ice cream from a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight (8) feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vehicle stops, all sound equipment or other devices used to notify customers of the presence of the permittee shall be stopped and shall not resume until the vehicle is again put in motion.
- (2) No permittees selling ice cream from a motor vehicle using sound equipment or other methods of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily.
- (3) No permittees selling ice cream from a motor vehicle shall stop or stand and do business for more than 30 minutes at the same location.

***(d) Permit and Application.***

- (1) Permit. Every ice cream motor vehicle shall have a permit issued by the City to conduct business in the City.
- (2) Application. Every ice cream vendor shall apply for a permit on a form provided by the City. Each vending unit requires a separate permit.
- (3) Permit form. A complete application shall require the following information from the applicant to be considered:
  - a. Name of applicant.
  - b. Legal name of business or entity.
  - c. State of incorporation or filing of a partnership or articles of association.
  - d. If applicable, copy of charter or articles of incorporation and current listing of the directors, partners, or principles.
  - e. Sales tax number with a copy of sales tax permit.
  - f. Name, phone number and driver's license number of business owner and all employees operating within the ice cream motor vehicles.
  - g. Proposed itinerary with route, with vending locations and times.

- h. Contact name and phone number for ice cream motor vehicle while in route.
- i. Description of product(s) being sold.
- j. Authorization for driving record, background and criminal history check.
- k. Signed affidavit by all operators stating all criminal convictions in any state, the United States, or U.S. possession within the last ten years.
- l. Vehicle identification number and description of ice cream motor vehicle.
- m. Proof of insurance
- n. Food Safety Inspection Certificate

(e) **Permit Fee.**

- (1) The application fee for an ice cream vendor permit shall be in accordance with the latest adopted fee schedule on file with the City Clerk. Each ice cream mobile vehicle shall be permitted separately.
- (2) Ice cream vendor permits shall be valid for calendar year, commencing on the day of issuance and expiring on December 31<sup>st</sup> of each year and are subject to the routes designated and approved on the application.

(f) **Permit Denial.** A permit may be denied where:

- (1) An applicant is found to have an unpaid civil judgment(s) against him which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments; or
- (2) An applicant has been convicted of a crime which directly relates to the duties and responsibilities of the licensed occupation which shall be determined by the nature and seriousness of the crime, the relationship of the crime to the purpose of the permit and the extent that the permit would allow someone to engage in further criminal activity; or
- (3) The required information is incomplete or incorrect or shows that a person is not otherwise entitled to conduct business as an ice cream vendor.

(g) **Violations and Revocation.**

- (1) **Violations.** Any mobile food vendor found to be in violation of the provisions of this chapter shall be subject to revocation of its permit, a citation, and punished as provided in Section 1-11.

(2) *Revocation. Any permit issued pursuant to this section may be revoked when it is found to be in violation of this article.*

- a. *Should the city manager or his/ her designee, find that conditions exist which are in violation of any provision of this article, it shall give notice to the permittee or owner that unless such conditions or practices are corrected within 10 days, the permit will be revoked. Notice shall be served either personally or by certified mail, return receipt requested.*
- b. *If at the end of the 10 days, a further inspection reveals that the conditions or practices have not been corrected, the city manager shall then revoke the permit and give notice of such suspension in writing to the permittee or owner. Upon notice of revocation, the permittee or owner shall cease operation of the ice cream motor vehicle.*
- c. *The permittee may appeal the revocation to the city council within 15 days of the city manager's or his/ her designee's, notice of revocation by giving notice of appeal to the City Clerk. The decision of the city council shall be final.*

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

**Section 4.** This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

**Section 5.**

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid

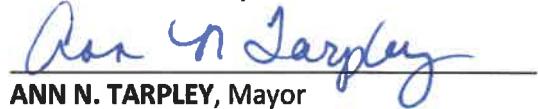
judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 7.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

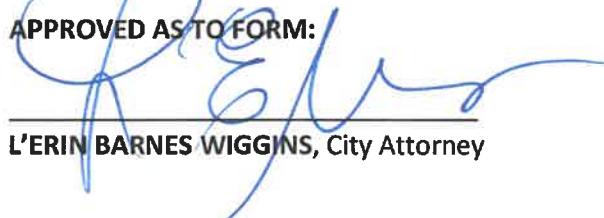
SO ORDAINED, this 11<sup>th</sup> day of October 2022.

CITY OF HAMPTON, GEORGIA

  
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ANN N. TARPLEY, Mayor

ATTEST:

  
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RASHIDA FAIRLEY, City Clerk

APPROVED AS TO FORM:  
  
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L'ERIN BARNES WIGGINS, City Attorney

First Reading: 091322

Second Reading/  
Adoption: 101122

