

- **Sec. 54-31. - Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food service establishment means establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which manufacture, wholesale, or retail sandwiches or salads; soda fountains; institutions, ~~both public and private~~; food carts; itinerant restaurants; industrial cafeterias; catering establishments; food vending machines and vehicles and operations connected therewith; and similar facilities by whatever named called. The term shall not include food sales establishments licensed by the commissioner of agriculture, or nonprofit food sales and food service.

Nonprofit food sales and service means the temporary sale or service of food items by an organization at an event sponsored by a county, municipality, or organization.

Organization means an organization exempt from taxes under O.C.G.A. § 48-7-25(1)(a) and under Section 501(d) or paragraphs (1) through (8) or paragraph (1) of Section 501(c) of the Internal Revenue Code, as that code is defined in O.C.G.A. § 48-1-2.

(Ord. No. 98-13, § 1(10-40), 8-11-1998)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 54-32. - Permit required; sale or service without permit prohibited.**

(a) No person ~~or organization~~ shall engage in the operation of a food service establishment ~~nor conduct nonprofit food sales and service~~ within the city without first obtaining a permit from the county board of health.

(b) As authorized by law, the county board of health shall act for and on behalf of the city, by regulating all food service establishments within the city, ~~including permitting of nonprofit food sales and service by nonprofit organizations~~. The rules and regulations of the department of human resources regulating food sales and service are hereby adopted, and, by reference, incorporated in this section, as the minimum standards of food service regulation within the city. The county board of health is further delegated authority to adopt reasonable policies and procedures relating to permitting and inspection of food service establishments, any non-licensed food sales operations, ~~and nonprofit food sales and service conducted within the city~~.

(c) Any person engaged in the operation of a food service establishment ~~or nonprofit food sales and service~~, without holding a permit from the county board of health, shall be in violation of this article and subject to appear, upon citation, before the municipal court. Upon conviction of a violation of this article, such person shall be punished as provided in section 1-12.

(d) In addition to the sanction imposed in this section, any violation of this article shall also constitute a nuisance within the city, contrary to the public health and safety, and subject to abatement before the municipal court or any other court of appropriate jurisdiction. Maintenance of a nuisance shall also entitle the city to seek injunctive relief in the superior court.