

AN ORDINANCE

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AMENDING THE TEXT OF THE CODE OF ORDINANCES OF THE CITY OF GRIFFIN, GEORGIA BY AMENDING CHAPTER 54, ARTICLE II, FOOD SERVICE ESTABLISHMENTS, TO PROVIDE DEFINITIONS AND TO DESIGNATE WHEN A PERMIT IS REQUIRED; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF ORDINANCES OF THE CITY OF GRIFFIN, GEORGIA, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Ordinances of the City of Griffin, Georgia, is hereby amended at Chapter 54, Article II, by amending the following:

“Section 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 public or private establishments which prepare and serve meals, lunches, short orders, sandwiches, frozen desserts, or other edible products [directly to the consumer either for carry out or service within the establishment](#). The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which manufacture, wholesale, or retail sandwiches or salads; soda fountains; food carts; itinerant restaurants; industrial cafeterias; catering establishments; food vending machines and vehicles and operations connected therewith; and similar facilities by whatever name called. [Within a food service establishment, there may be a food sales component not separately operated. This food sales component shall be considered as part of the food service establishment.](#) 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(a)(1) 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.

Section 54-32, Permit required; sale or service without permit prohibited.

- (a) No person shall engage in the operation of a food service establishment 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. The rules and regulations of the department of public health 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 and any non-licensed food sales operations.
- (c) Any person engaged in the operation of a food service establishment, 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 by 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.

Section 2. All sections of the Code of Ordinances of the City of Griffin, any ordinances, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Ordinances of the City of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

First Reading: August 23, 2016

Second Reading: September 13, 2016