

EUNICE, LOUISIANA
SEPTEMBER 8, 2020

THE MAYOR AND BOARD OF ALDERMEN AND ALDERWOMEN, THE GOVERNING AUTHORITY OF THE CITY OF EUNICE, PARISH OF ST. LANDRY/ACADIA, STATE OF LOUISIANA, met in regular session on Tuesday, September 8, 2020 at six-thirty (6:30) o'clock p.m. at their regular meeting place, the Eunice City Hall.

The Mayor announced that a quorum was present and ready to transact business.

WHEREUPON, the following ordinance was introduced for consideration of adoption on motion by Alderwoman Connie Thibodeaux, seconded by Alderman Chad Andrepont and carried.

ORDINANCE NO. 0920(A)

An Ordinance establishing the permitting, licensing, rules and regulations, insurance and fines and forfeitures for operating a Mobile Food Vender establishment within the city limits of Eunice, Louisiana.

Chapter 00 - MOBILE FOOD VENDORS

Sec. 00-10001. - 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:

Defined permitted areas means specific locations within those areas set forth in section 10-10002(a), and which are based upon such criteria as distance from fixed-based restaurants, valid concerns by other businesses or private citizens about specific areas or such other concerns as may be necessary to protect the rights of private citizens and land-based businesses. The city always retains the right to modify an issued permit or to relocate any previously approved location or to require relocation of any mobile food vendor [vehicle], if city determines the original location is not suitable, with that determination to be in the sole discretion of the city.

Mobile food vendor means a person, natural or juridical, that has obtained the required permits under this chapter to operate a mobile food operation to serve or distribute victuals on the public right-of-way, on allowed public areas, or private property. Mobile food vendors will include food trailers and carts.

Mobile food vendor [vehicle] means any vehicle that is completely mobile with no permanent fixed location and which qualifies as a mobile vendor under the rules and regulations of the Louisiana Department of Health and Hospitals, the vendor of which prepares all or most of its victuals on board the vehicle to serve or distribute to customers, in a form suitable for immediate ingestion or consumption.

Modular kitchen food vendor means any food unit that is factory built and delivered to a permanent fixed location and which qualifies as a food vendor under the rules and regulations of the Louisiana Department of Health and Hospitals, the vendor of which prepares all or most of its victuals on board the vehicle to serve or distribute to customers, in a form suitable for immediate ingestion or consumption.

Permittee means the recipient of a mobile vending permit under the terms and provisions of this article.

Private property means any privately owned property, including a private residence or business that is allowing the sale of victuals from a mobile food vendor.

Public right-of-way means any city street, alley, road, sidewalk, neutral ground, or other passageway whereby pedestrians or vehicles traverse.

Serve or distribute means soliciting the sale of or offering for sale victuals.

Victuals means food of any kind that is prepared, packaged or in a form that is suitable for immediate ingestion or consumption by human beings and shall not include any non-food items.

Sec. 00-10002. - Permitted locations.

- (a) On private property, with the express consent of the owner.
- (b) On city-owned properties, other than public streets, with permission granted solely by the city council in a public meeting.

Sec. 00-10003. - Permit required and authorized.

Every person, whether natural or juridical, who desires to use the public right-of-way, public places or private property and operate as a mobile food vendor or as a mobile food vendor [vehicle] shall first apply for and be granted a mobile

vending permit from the Louisiana Department of Health and Hospitals pursuant to Title 51, Chapter XXIII of the Administrative Code, and a mobile vending permit from the City of Eunice as provided in this chapter.

Sec. 00-10004. - Permit requirements.

- (a) A mobile vending permit shall be applied for with the city and shall be on forms provided by the city and in the format and number of copies as required by the instructions. No permit shall be issued until all requisite approvals by the Louisiana Department of Health and Hospitals are finalized and received by the department of taxation and revenue.
- (b) Any permit that is issued shall in each instance state the occasion and location for which it is issued, the location of the mobile food vendor activity and the date upon which it will expire; or may be issued on an annual basis. Nothing contained herein precludes the prorating of permit fees. Annual permits which are issued may cover all permitted locations within the City of Eunice, but shall remain subject to these further restrictions and provisions as may be established under section 10-10002 or as may be otherwise limited by this chapter.
- (c) Permits shall be conspicuously displayed and be clearly visible from outside the mobile food unit at all times during operation.
- (d) The provisions of this chapter regarding issuance of a mobile vending permit from the city shall not be applicable to those areas and events which are otherwise exempted by the Louisiana Department of Health and Hospitals for events such as recognized fairs and festivals.

Sec. 00-10005. - Permit and franchise fees.

There shall be a single instance permit fee of fifty dollars (\$50.00). The annual permit fee shall be two hundred dollars (\$200.00). This fee shall be in addition to any fee imposed by section 10-1001, et seq., or R.S. 47:35, et seq. for a person who also operates a separate food preparation and/or sales business at any fixed location. This fee shall be in lieu of any fee otherwise imposed by section 10-1001, et seq., or R.S. 47:35, et seq. on a person who is not otherwise required to obtain a license for business activities except for operation of a mobile food vendor or a mobile food vendor [vehicle].

Sec. 00-10006. - Rules and regulations for all mobile food vendors.

In addition to all other applicable laws pertaining to permits and franchises, all mobile vendors operating pursuant to this article shall also be subject to the following provisions:

- (1) All mobile food vendor [vehicle]'s shall be registered in the State of Louisiana and the driver of any truck shall have a valid driver's license permit.
- (2) All mobile vendors shall comply with all applicable parking, traffic and vehicle safety laws, regulations and restrictions by city and state.
- (3) No mobile vendor shall operate within twenty (20) feet of any intersection.
- (4) No mobile vendor shall operate within twenty (20) feet of any stop sign, flashing beacon, yield sign or other traffic control signal located on the side of a roadway.
- (5) No mobile vendor shall operate within three (3) feet of any public or private driveway, wheelchair ramp or bicycle ramp.
- (6) No mobile food vendor shall be more than thirty-six (36) feet in length or eight and one-half (8½) feet in width, however, mobile food establishments solely located on private or public property which are not used as traffic thoroughfares, may exceed the size stated herein with approval of the city.
- (7) No mobile vendor shall sell alcoholic beverages. No mobile vendor shall sell controlled substances, or any other item the possession or use of which is deemed illegal under any federal, state or local law.
- (8) No mobile vendor shall place any chairs, stools, tables or other fixtures, furniture or other obstructions on any portion of the public street, sidewalk or right-of-way, except as otherwise expressly provided.
- (9) All mobile vendors shall provide a trash receptacle within three (3) feet of the front or back of the mobile food vendor but out of streets or public walkways, which shall be large enough to contain all refuse generated by operation.

The location shall be kept clean and free of trash and debris. All mobile vendors shall be responsible for cleaning all debris and refuse generated by such operation within a fifty-foot radius of the mobile food vendor upon ceasing operation. It shall be unlawful for any mobile vendor to leave any location without first picking up, removing and properly disposing of all trash or refuse remaining at a location.

After dispensing victuals at any location, a food truck operator, prior to leaving the location, shall pick up, remove and dispose of all trash of

refuse within twenty-five (25) feet of the food operation which consists of materials originally dispensed from the food vendor, including packages or containers or parts of either used with or for dispensing the victuals. Any trash, garbage, refuse or other debris generated by the mobile vendor or relating to the operation of the mobile vendor shall be disposed of at approved locations.

- (10) Any mobile food vendor found to be or have been in violation of the permit location regulation or any other provision of this chapter shall have his license revoked by the city. Notice of revocation shall be delivered to the owner/operator of the food truck. If such vendor has applied for a yearly license, then a pro-rated share of the cost of the license shall be refunded.
- (11) It shall be unlawful for any mobile vendor to operate in a defective, unsafe or unsanitary condition or in violation of any applicable law or regulation.
- (12) No mobile food vendor, whether through a local commissary or otherwise, shall discharge into the City of Eunice wastewater system without prior approval from the wastewater superintendent.
- (13) No mobile vendor shall operate any horn, sound amplification system, or other sound-producing device or music system which violates the existing municipal noise ordinance found in the of the Code of Ordinances of the City of Eunice.
- (14) All mobile vendors must comply with all other applicable conditions and requirements imposed upon mobile vendors under the law, and must comply with all applicable city and state health laws and regulations and shall make such sales tax returns and other reports as required by provisions of the Code of Ordinances of the City Eunice.
- (15) No mobile food vendor shall operate within three hundred (300) feet of the outermost boundary of any private or public school property or within three hundred (300) feet of any location where a not for profit events where a sponsored school event is being held unless specifically requested in writing by the governing authority of such private or public school.
- (16) No mobile food vendor shall operate within fifty (50) feet of an existing fixed location food establishment without the written consent of that food establishment.
- (17) No mobile food vendor shall remain in a single location longer than four (4) consecutive days, and no mobile vendor who has remained in a single location for three (3) consecutive days may reoccupy that location

without having vacated that location for not less than four (4) consecutive days.

- (18) No mobile food vendor shall utilize city utilities, or the utilities of others without written permission.

Sec. 00-10007. - Insurance requirements.

At the time of application for, and prior to the issuance of, any permit or franchise pursuant to this division [chapter], each and every applicant shall provide written proof of commercial vehicle insurance coverage on any mobile food vehicle or trailer in compliance with state law.

Sec. 00-10008. - Fines and forfeitures—Process and procedure.

- (a) Any violation of any applicable provision of this chapter may be grounds for revocation of any permit or franchise issued under this chapter and shall be an infraction punishable by a fine not to exceed five hundred dollars (\$500.00) per violation.
- (b) Violations of the provisions of this chapter shall be brought in Eunice City Court.

THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Eunice, the Governing Authority of said City, in regular session convened, did introduce for consideration the above Ordinance, establishing rules and regulations for the operation of Mobile Food Vendors.

The above and foregoing ordinance having been introduced was then submitted for consideration for adoption by the following vote:

YEAS: Chad Andrepont, Germaine Simpson, Marion "Nootsie" Sattler,
Ernest Blanchard and Connie Thibodeaux.

NAYS: None

ABSENT: None

THUS, the above and foregoing ordinance was submitted for consideration of adoption on this, the 8th day of September, 2020.

SCOTT A. FONTENOT, MAYOR

ATTEST:

GINNY MOODY, CITY CLERK

After a Public Hearing was held on Tuesday, **OCTOBER 13, 2020** AT 6:15 PM and the Title having been read and considered, the above ordinance was presented for FINAL ADOPTION at the regular council meeting held on **OCTOBER 13, 2020**, on motion by Alderwoman Connie Thibodeaux, seconded by Alderman Ernest Blanchard and carried. A roll call vote was taken with the following results:

YEAS: Alderman at Large Marion "Nootsie" Sattler, Alderman Chad Andrepont, Alderwoman Germaine Simpson, Alderman Ernest Blanchard and Alderwoman Connie Thibodeaux.

NAY: None

ABSENT: None

BE IT ORDAINED, the above Ordinance was duly adopted on this, the ____
____ 13th day of
____ October ____, 2020.

SCOTT A. FONTENOT, MAYOR

ATTEST:

GINNY MOODY, CITY CLERK

I CERTIFY that the above and foregoing Ordinance was presented to the Mayor on this, the ____ 15th day of ____ October ____, 2020

GINNY MOODY, CITY CLERK

I ACKNOWLEDGE RECEIPT of the above Ordinance from the City Clerk on this, the _____ 15th day of _____ October _____, 2020.

SCOTT A. FONTENOT,

MAYOR

I HEREBY _____ approve _____ the above ordinance on this, the _____
_____ 15th day of _____ October _____, 2020. (approve/veto)

SCOTT A. FONTENOT, MAYOR

I CERTIFY that the above Ordinance was received by me from the Mayor on this, the _____ 15th day of _____ October _____, 2020.

GINNY MOODY, CITY CLERK