

AMENDED ORDINANCE NO. 482-2023

**AN ORDINANCE OF THE CITY OF YOUNGSVILLE, LOUISIANA AMENDING
CHAPTER 8 “BUSINESSES AND BUSINESS REGULATIONS”
ESTABLISHING THE REQUIREMENTS FOR THE PERMITTING
AND OPERATION OF MOBILE FOOD ESTABLISHMENTS**

BE IT ORDAINED by the Mayor and City Council of the City of Youngsville that:

WHEREAS, it has been proposed there exists a need for the regulation of mobile food vendors within the City of Youngsville;

WHEREAS, these requirements identify the location of, establishment of permitting process and regulates the location and operation of mobile food establishments;

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Youngsville that:

SECTION 1: All of the aforescribed “WHEREAS” clauses are adopted as part of this ordinance.

SECTION 2: The City of Youngsville Code of Ordinances, Chapter 8 “Businesses and Business Regulations”, Article V “Mobile Food Establishments”, is hereby created to read as follows:

Article V. Mobile Food Establishments

Sec. 8-100. Territorial applicability.

Except as otherwise provided in this article, the provisions of this article apply only in the City of Youngsville.

Sec. 8-101. 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:

Law enforcement officer means an employee of the Youngsville Police Department, Lafayette Parish Sheriff’s Department, and the Louisiana State Police or the Marshal whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of the State of Louisiana.

Mobile Food Establishment means a vehicle-mounted Food Establishment designed to be readily movable, which includes a motorized or towed self-contained food service operation truck or towed self-contained trailer unit designed to be readily movable. A Mobile Food Establishment shall not mean a stand, booth, or cart.

Operator means a person, firm or corporation, including its agents and employees, which operates a mobile food establishment in the City of Youngsville.

Permit means an official document issued by the permit department authorizing the operation of a mobile food establishment, reflecting the correct name and address of the permit holder to whom the permit is issued, and reflecting the location and type of the permitted activity.

Permit holder an Operator that holds a current and valid permit issued pursuant to this article.

Permitted activity means the operation of a mobile food establishment with a permit.

Sale, sell or selling means the lending or exchange of merchandise, including food and beverages, or services for money, and shall include the lending or exchange of merchandise, including food and beverages, for discretionary monetary donations.

Sidewalk means the paved pedestrian walkway adjacent to a roadway and constructed or maintained by city government, whether on public or private property.

Special events means organized special events or activities sponsored and/or produced by governmental or quasi-governmental organizations that are of general public interest and are open to public attendance, including, but not limited to, Mardi Gras, Independence Day, Sugar Jam at Sugar Mill Pond, and other events as determined by the City of Youngsville.

Mobile Food Establishment Park/s means two (2) or more Mobile Food Establishments on one site.

Sec. 8-102. Exceptions.

Permits issued for Mobile Food Establishment under the provisions of this article shall be temporarily suspended at locations designated for special events. Permit holders may, however, apply to continue their operation during the special event pursuant to the procedures set up by a special event organizer.

Sec. 8-103. No vested rights in license or permit.

The City of Youngsville reserves the right to amend or repeal this article at any time, and no person shall have any vested rights to operate hereunder or to retain a permit or have a permit renewed. In the event the amendment or repeal of this article results in a permit being valid for

less than its full term, the pro rata portion of the permit fee or renewal fee for the invalid portion of the term shall be refunded.

Sec. 8-104. Permit Requirements.

(a) Application generally.

- (1) Application for a permit required by this division shall be made to the permit clerk. The application shall be in such form as prescribed by the permit clerk. That form shall include, but not be limited to, the following information:
 - a. The full name, address, telephone number and tax identification number of the applicant.
 - b. The type of permitted activity.
 - c. If the applicant is a corporation, partnership, limited liability company, firm or other legal entity of any type other than a natural person, the names and addresses of all officers, partners, members, principals and/or registered agents.
- (2) The applicant or permit holder must notify the permit clerk within ten days of any change to the information provided under this section.

(b) Instruments to accompany application.

- (1) Before any permit shall be issued, the application must be accompanied by:
 - a. A certified copy of the certificate of incorporation issued by the Louisiana Secretary of State if the applicant is incorporated under the laws of the State of Louisiana.
 - b. Certificate(s) showing the applicant is registered with the Louisiana Department of Revenue and local tax collection agencies and shall meet all health and safety requirements as mandated by the State of Louisiana.
 - c. A photo of the Mobile Food Establishment.
- (2) The applicant or permit holder must notify the permit clerk within ten days of any change to the information provided under this section.

(c) Fees; duration.

- (1) For each permit issued hereunder, the applicant shall pay a \$200.00 non-refundable permit fee to the City of Youngsville.
- (2) Permits issued hereunder shall be valid from January 1 through December 31 of the year in which they are issued. Permits issued after January 1 of any given year shall be valid only through December 31 of that year. The permit fee shall not be prorated. Application fees are nonrefundable.

- (d) Renewal. A permit issued hereunder may be renewed without making a new application upon submitting a renewal application stating that all information provided on the initial application is still correct and the permit holder is still in compliance with all requirements.

The applicant shall pay a renewal fee of \$200.00. There shall be no limit on the number of renewals, except that the renewal may be refused if the permit holder fails to comply with any provision of this article or the guidelines and standards promulgated herein.

(e) Liability and insurance.

- (1) There shall be no liability on the part of the City of Youngsville or upon any of its officers, agents or employees for any damage sustained by the permit holder from any cause whatsoever.

(f) Issuance.

- (1) The permit department of the City of Youngsville shall issue a permit only if the application meets the guidelines and standards established herein and such applicant has fully complied with all of the provisions of this division, including the payment of all fees.

- (2) An applicant for, or holder of, a permit issued hereunder who is aggrieved by a decision of the City of Youngsville's Permit Department in denying an application for a permit may, within ten days of the notification of the decision, appeal to the City Council.

(g) Display. The permit issued hereunder shall be prominently displayed in a conspicuous place at or near the permitted activity and shall remain so displayed for so long as the permit holder engages in the permitted activity. The permit issued hereunder shall be produced and handed over immediately upon request to a law enforcement officer or code enforcement, or its agent.

(h) Non-Transferability; Non-Exclusivity. Permits issued pursuant to this article shall not be sold, transferred, assigned, leased, or subleased to any other operator, permit holder, person, or entity. Any such sale, transfer, assignment, lease or sublease renders the permit null and void. Nothing contained herein shall be construed to give an operator or permit holder the exclusive right to operate within the City of Youngsville.

Sec. 8-105. Location and operational restrictions.

- (a) Mobile Food Establishments shall only operate on property wherein its operation would constitute an accessory use to a lawful, non-residential principal use. For purposes of this restriction, accessory use shall mean a use customarily incidental and subordinate to the principal use or building and located on the same property with the principal use or building. Further, principal use shall mean the main use of land or buildings as distinguished from a subordinate or accessory use.

- (b) Mobile Food Establishments shall not park or operate on public property alongside any street nor in the public right-of-way.

- (c) All Mobile Food Establishments shall operate on a durable all-weather material, such as concrete, asphalt.
- (d) All Mobile Food Establishments, and any item related to the operation of the mobile food establishment, shall not be attached, chained, or in any manner affixed to any tree, post, sign, parking meter or other fixtures, curb or sidewalk.
- (e) All Mobile Food Establishments shall be located at least 100 feet from the main entrance to any fixed Food Establishment, 100 feet from any outdoor dining area.
- (f) If parked on any commercial lot, the Mobile Food Establishment operator must provide the permit department with written permission from said commercial property owner allowing the Mobile Food Establishment to operate from said location.
- (g) All Mobile Food Establishments shall be located at least ten (10') feet from the edge of any driveway or public sidewalk, handicapped ramp, building entrances and exits, emergency access/exit ways, or fire lanes and shall not operate in any area that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (h) All Mobile Food Establishments shall be precluded from parking or operating within 150 feet from any residential property boundary.
- (i) No Mobile Food Establishment Permittee shall use a hibachi, grill, open flame, or other similar device for cooking, heating, or any other similar purpose within ten (10') feet of any building or building overhang.
- (j) All Mobile Food Establishments shall be located a minimum distance of 15 feet in all directions of a fire hydrant and any fire department connection, utility box or vault.
- (k) With the exception of special events Mobile Food Establishment shall not be allowed to park on property owned or maintained by the City of Youngsville, including but not limited to the Youngsville Sports Complex, Youngsville Municipal Complex and any and all other public parks owned or maintained by the City of Youngsville. Permit holders are subject to relocation when their designated location is deemed to cause a hazard to public safety, sight distance, or vehicular congestion or other concerns by the City of Youngsville.

Sec. 8-106. Permitted Activities.

All Mobile Food Establishments and their operators shall meet the following requirements:

- (a) The Mobile Food Establishment operator shall comply with all state and local health and other applicable regulatory agency requirements, including, but not limited to, the requirements for food preparation and service.

- (b) No item related to the operation of the Mobile Food Establishment shall be placed on the street, sidewalk, public place or anywhere other than in or on the Mobile Food Establishment.
- (c) The Mobile Food Establishment operator shall be responsible for the proper disposal of waste and trash associated with the Mobile Food Establishment operation. No grease, waste, trash or other debris from the Mobile Food Establishment operation shall be deposited on or released onto public property, which includes streets, sidewalks or other public place, nor into the gutter or storm drainage system. The Mobile Food Establishment operator shall keep the immediate area in a five-foot radius from the center of the Mobile Food Establishment clean of garbage, trash, paper, cups, cans or litter associated with the Mobile Food Establishment operation. Unless otherwise permitted by the City of Youngsville, a Mobile Food Establishment operator shall not use city trash receptacles or other city waste disposal containers for the disposal of waste and trash associated with the Mobile Food Establishment.
- (d) The Mobile Food Establishment shall not have attached to it any bell, siren, horn, loudspeaker, flashing lights or any similar device to attract the attention of possible customers, nor shall the Mobile Food Establishment operator use any such device to attract attention.
- (e) Mobile Food Establishment operators shall not consume or be under the influence of alcohol or controlled substances while operating Mobile Food Establishment.
- (f) The Mobile Food Establishment operator shall comply with all federal, state and local laws when operating the Mobile Food Establishment.
- (g) In the event of an emergency or in a situation where exigent circumstances arise, a Mobile Food Establishment operator shall remove the Mobile Food Establishment from the area when directed to do so by any law enforcement officer, fire official or emergency medical personnel.
- (h) The City may require the temporary removal of Mobile Food Establishment when street, sidewalk, or utility repairs necessitate such action.
- (i) The issuance of a Mobile Food Establishment permit does not grant or infer vested rights to the use of the designated location by the permit holder.

Sec. 8-107. Mobile Food Establishment Park/s

- (a) Mobile Food Establishment Park/s shall meet all the requirements as stated in Article V of this Ordinance.
- (b) Mobile Food Establishment Park/s shall meet all the requirements of the City of Youngsville Code of Ordinances, Chapter 107 “Commercial Development Requirements” and Chapter 130 “Land Use Regulations”, prior to be permitted.

Sec. 8-108. Fines and penalties.

Whoever is determined to be in violation of the provisions of sections 8-100 through 8-107 shall be subjected to the following penalties/sanctions:

- (a) First Violation: Warning or imposition of a fine not to exceed \$150.00;
- (b) Second Violation: Imposition of a fine not to exceed \$250.00;
- (c) Third Violation: Imposition of a fine not to exceed \$500.00, revocation of permit or order of removal.

SECTION 3: This ordinance shall take effect immediately upon adoption.

This ordinance having been introduced on January 12, 2023, and published by title only giving Notice of Public Hearing to be held on February 9, 2023 was submitted to a vote, and the vote therein was as follows:

YEAS: Kayla Menard Reaux, Lindy Bolgiano, Matt Romero, Kenneth "Ken" Stansbury, Simone B. Champagne.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

This ordinance was adopted on this the 9th day of February, 2023

/s/ Ken Ritter
Ken Ritter, Mayor

/s/ Nicole Guidry
Nicole Guidry, City Clerk