



**CITY OF HAMMOND
ORDINANCE No.**

An Ordinance to Provide for the Permitting of Mobile Food Vendors

BE IT ORDAINED by the City Council of Hammond, Louisiana, that Chapter 19 Licenses, Permits and Miscellaneous Business Regulations be amended by adding Article XI Mobile Food Vendors, to read as follows:



ARTICLE XI MOBILE FOOD VENDORS

Sec. 19-297. Definitions

The following words, terms and phrases, when used in this ordinance, 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 9-298, 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.

Food Item as used herein shall mean 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.

Mobile food vendor means a person, natural or juridical, that has obtained the required permits under this Ordinance to operate a mobile food operation to serve or distribute food item 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 food item 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 food vending permit under the terms and provisions of this ordinance.

Private property means any privately owned property, including a private business that is allowing the sale of food items 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 food items.

Sec. 9-298. - Permitted locations.

- (a) Mobile food vendors shall only be allowed to operate in areas specifically designated by the city for food truck sales. However, unless otherwise authorized in an area not open to vehicular traffic, no mobile food vendor vehicle shall be located in the Downtown Development District unless under a special event permit granted by the city.
- (b) On private property zoned for food sales, with the express written consent of the owner.
- (c) On city-owned properties, other than public streets, within and without the area described in (a), subject to obtaining a special event permit.

Sec. 9-299. - 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 Hammond as provided in this Ordinance.

Sec. 9- 300. - 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 City of Hammond tax department.
- (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 Hammond, but shall remain subject to these further restrictions and provisions as may be established or as may be otherwise limited by this Ordinance.
- (c) Permits shall be conspicuously displayed and be clearly visible from outside the mobile food unit at all times during operation.
- (d) The mayor for the City of Hammond may prescribe such other policies and procedures as to the issuance of permits as may be required to carry out the full intent and purpose of this Ordinance.
- (e) The provisions of this Ordinance 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. 9-301. - Permit and franchise fees.

There shall be a single instance permit fee of one hundred dollars (\$100.00). The annual permit fee shall be four hundred dollars (\$400.00). This fee shall be in addition to any fee imposed by this Chapter or R.S. 47:35, et seq. for a person who also operates a separate food preparation and/or sales business at a fixed location. This fee shall be in lieu of any fee otherwise imposed by this Chapter 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. 9 -302. - Rules and regulations for all mobile food vendors.

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

- (1) All mobile food vendor vehicles 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 food vendors shall comply with all applicable parking, traffic and vehicle safety laws, regulations and restrictions.
- (3) No mobile food vendor shall operate within twenty (20) feet of any intersection.
- (4) No mobile food 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 food vendor shall operate within ten (10) 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 vendor vehicles 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 or the private property owner as applicable.
- (7) No mobile food vendor shall sell alcoholic beverages. No mobile food 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 food vendor shall set up any chairs, stools, tables or other fixtures, furniture or other obstructions in connection with its operation.
- (9) All mobile food vendors shall provide a trash receptacle within three (3) feet of the front or back of the mobile food vendor vehicle but out of streets or public walkways, which shall be large enough to contain all refuse generated by its operation.

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

After dispensing food items at any location, a food truck operator, prior to leaving the location, shall pick up, remove and dispose of all trash or 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 food item. Any trash, garbage, refuse or other debris generated by the mobile food vendor or relating to the operation of the mobile food 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 Ordinance shall have his license revoked by the city. Notice of revocation shall be delivered to the operator and the mobile food vendor. If such mobile food 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 food 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 Hammond wastewater system without first having a commercial wastewater permit, and all mobile food vendors must adhere to the provisions set forth in Chapter 32 of the Code of Ordinances of the City of Hammond.
- (13) No mobile vendor shall operate any horn, sound amplification system, or other sound-producing device or music system.
- (14) All mobile vendors must comply with all other applicable conditions and requirements imposed upon food 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 Chapter 29 the Code of Ordinances of the City of Hammond.

(15) Mobile food operations held on private property with the permission of the property owner will be exempted from (1), (2), (6) and (18) of these regulations.

(16) 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 event is being held unless specifically approved in writing by the governing authority of such private or public school or not for profit organization.

(17) No mobile food vendor shall operate within fifty (50) feet of an existing fixed location selling food without the written consent of that food establishment.

(18) No mobile food vendor vehicle shall remain in a single location longer than twenty-four (24) consecutive hours. No mobile food vendor may reoccupy a permitted location without having vacated that location for not less than three (3) consecutive days.

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

Sec. 9-303. - Insurance requirements.

At the time of application for, and prior to the issuance of, any permit or franchise pursuant to this Ordinance, 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. 9-304. - Fines and forfeitures—Process and procedure.

(a) Any violation of any applicable provision of this Ordinance may be grounds for revocation of any permit or franchise issued under this Ordinance and shall be an infraction punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation.

(b) Violations of the provisions of this Ordinance shall be brought in Hammond City Court or in any court of competent jurisdiction.

Sec. 9-305. - Non-applicability.

(a) The provisions of this Ordinance do not apply to transitory food service vendors who travel from location to location, stopping to provide food or drink from time-to-time, and whose times when stopped at a location are fifteen (15) minutes or less.

(b) Notwithstanding anything to the contrary, the provisions of this Ordinance do not allow operation by a mobile food vendor of mobile food sales in any zoning district in which food sales are not allowed.

The above and foregoing ordinance having being duly submitted to the Hammond City Council in writing; introduced at a public meeting on _____, **2023** of the Hammond City Council and discussed at a public meeting held on _____, **2023**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Councilman _____ and Second by Councilman _____ the foregoing ordinance was hereby declared adopted on _____, **2023** by the following roll call vote:

Votes: Councilman Wells (), Councilman DiVittorio (), Councilman Andrews (), Councilwoman Gonzales (), Councilman Leon ().

WHEREFORE the above and foregoing ordinance was declared duly adopted on this _____ **day of**
_____ **in the year 2023**, at Hammond, Tangipahoa Parish, Louisiana.

Kip Andrews
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Lisa Cockerham, Clerk
Hammond City Council