



**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:

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**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 or Food Truck* means any vehicle and any attached trailer 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. 19-298. - 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) In city parks, except those located in the DDD, in areas specifically designated by the city for food truck sales, subject to the limitations set forth in this Article.
- (d) On other city-owned properties, other than public streets, within and without the area described in (a), subject to obtaining a special event permit.

**Sec. 19-299. - 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, or other applicable State agency and a mobile vending occupational license from the City of Hammond as provided in this Article.

**Sec. 19- 300. – Occupational License and Special Event Permit Requirements.**

- (a) A mobile vending occupational license 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. All mobile food vendors must obtain a mobile food vendor occupational license from the city before operating in the city. No mobile vending occupational license shall be issued by the city until all requisite approvals by the Louisiana Department of Health and Hospitals and other applicable State agencies are finalized and received by the City of Hammond tax department. Nothing contained herein precludes the prorating of a fee for the occupational license. An occupational license shall cover all allowed locations within the city, but shall remain subject to these further restrictions and provisions as may be established or as may be otherwise limited by this Article.
- (b) An application for a special event mobile vending permit 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. Special event mobile food vending permits shall remain subject to these further restrictions and provisions as may be established or as may be otherwise limited by this Article.
- (c) Licenses and 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 Article, including a maximum number of mobile food vendors operating in city parks or other public places at any one time.
- (e) The provisions of this Article regarding issuance of a mobile vending special event 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.
- (f) A special event permit may be denied if the applicant has been given more than one infraction for a violation within the preceding twelve months.

**Sec. 19-301. – License and Permit Fees.**

The annual mobile food vending occupational license fee shall be two hundred dollars (\$200.00). The special event permit fee shall be one hundred dollars (\$100.00); except the holder of an existing mobile food vending occupational license shall pay a special event permit fee of twenty dollars (\$20.00). This twenty dollar (\$20.00) special event permit fee shall also apply to a person who is licensed for a separate food preparation and/or sales business at a fixed location. This occupational license fee or special event 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. 19 -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 Article 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 food 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, except as provided herein.
- (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) All mobile food vendor vehicles, including attached trailers, shall have a clean and neat appearance, in good operating condition and not contain any vulgarity, obscenity or profanity.

(11) Any mobile food vendor found to be or have been in violation of the permit location regulation or any other provision of this Article may have his license revoked by the city. Notice of revocation shall be delivered to the license holder, operator and the mobile food vendor.

(12) 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.

(13) 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.

(14) No mobile vendor shall operate any horn, sound amplification system, or other sound-producing device or music system, except as necessary to call customers for pick up of food orders. No music shall be audible beyond seventy five feet from the mobile food truck.

(15) 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.

(16) Mobile food operations held on private property with the permission of the property owner will be exempted from (1), (2), (6), (8) and (19) of these regulations.

(17) 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.

(18) No mobile food vendor shall operate within one thousand feet (1,000) feet of an existing fixed location selling food without the written consent of that food establishment.

(19) No mobile food vendor vehicle shall remain in a single location longer than sixteen (16) consecutive hours. No mobile food vendor may reoccupy a permitted location without having vacated that location for not less than eight (8) consecutive hours.

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

(21) No mobile food vendor shall sell food after 8pm, unless under a special event permit.

(22) No mobile food vendor shall operate in Chappapeela Park, except with the written permission of the park board or executive director.

**Sec. 19-303. - Insurance requirements.**

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

**Sec. 19-304. - Fines and forfeitures—Process and procedure.**

(a) Any violation of any applicable provision of this Article may be grounds for revocation of any permit or license issued under this Article and may result in an infraction punishable by a fine as provided herein.

(b) For holders of an occupational license, any first infraction shall result in a warning. Any second infraction shall result in a fine of \$200.00; any third infraction shall result in a fine of \$500.00 and may result in a revocation of the license. For purposes hereof, multiple violations in any one particular infraction shall only be considered a single violation; however, each infraction shall count toward the total number of infractions irrespective of the specific violation(s).

(c) For holders of a special event permit, a violation shall result in a fine of \$100.00 and may result in a revocation of the special event permit.

(d) Collection or enforcement of any violations of the provisions of this Article shall be brought in Hammond City Court or in any court of competent jurisdiction.

**Sec. 19-305. - Non-applicability.**

(a) The provisions of this Article 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 Article do not allow operation by a mobile food vendor of mobile food sales in any residential zoning district, except under a special event permit.

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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.

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**Kip Andrews**  
President, Hammond City Council

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**Honorable Pete Panepinto**  
Mayor, City of Hammond

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**Lisa Cockerham, Clerk**  
Hammond City Council