

ORDINANCE NO. 01 OF 2023

AN ORDINANCE REGULATING MOBILE FOOD VENDORS

This Ordinance was introduced by Council Member Sherell Roberts at a public meeting on December 13, 2022. A public hearing was lawfully advertised and held on January 10, 2023 and February 14, 2023. Thereafter, on Motion of Councilmember Delita Rubin-Broussard and Second by Councilmember Sherell Roberts, it was offered for final adoption, and the following vote was recorded:

Yay: Chasity Davis-Warren, Marvin Richard, Milton Batiste III, Delita Rubin-Broussard, Charles Cummings, and Sherell Roberts.

Nay: None.

Absent: None.

NOW THEREFORE BE IT ORDAINED by the city council of the City of Opelousas, that the following provisions applicable to Mobile Food Vendors are hereby imposed in the City of Opelousas:

**CHAPTER 6
MOBILE FOOD VENDORS**

Section 1. Purpose and Intent.

The City of Opelousas desires to regulate Mobile Food Vendors throughout the City to provide for the health and safety of its citizens. This Ordinance shall apply to all Mobile Food Vendors in the City of Opelousas, and it shall be effective upon signature by the Mayor.

Section 2. Definitions.

“City” means the corporate limits of the City of Opelousas.

“Mobile Food Establishment” means a food service establishment that is vehicle-mounted or wheeled and is capable of being readily movable, and is commonly referred to as a Mobile Food Truck or Trailer.

“Mobile Food Vendor” means anyone who operates a Mobile Food Establishment.

“Special events” means organized special events or activities sponsored by government organizations, or large events substantially supported by local government and police and/or fire personnel, including but not limited to, the Holy Ghost Creole Festival and other events as determined by the City Council.

Section 3. Permits.

Section 3-1. Application.

(A) All Mobile Food Vendors who desire to operate a Mobile Food Establishment in the City shall apply for a Permit annually.

(B) The following shall accompany each application for a Permit:

1. A principal address at which the Mobile Food Vendor may receive mail related to the operation of the Mobile Food Establishment;
2. Documentary evidence of the applicant’s registration with the St. Landry Parish School Board Sales Tax Division;
3. Proof of Good Standing with the Louisiana Secretary of State for all corporations and unincorporated associations, including but not limited to limited liability companies;

4. Proof of Commercial General Liability Insurance Coverage with coverage in an amount not less than \$200,000.00;
5. Proof of current registration of the Mobile Food Establishment with the Louisiana Department of Motor Vehicles;
6. Proof of permit to operate received from the Louisiana Department of Health and Hospitals;
7. Social Security or Tax Identification Number for the Applicant;
8. Proof of the dimensions of the Mobile Food Establishment; and
9. Proof of ownership or lease of the property at which the Mobile Food Establishment will be operated.

Section 3-2. Permit Application Fee.

A fee of \$200.00 shall be paid prior to acceptance of any applications for a Permit.

Section 3-3. Duration of Permit.

Permits shall be valid from the date of issuance until December 31 of the calendar year in which the Permit has been issued unless terminated sooner by the City for good cause.

Section 3-4. Failure to Renew a Permit.

If a Mobile Food Vendor fails to apply for a Permit within thirty (30) days of expiration of any validly issued Permit, a fee of \$100.00 shall be paid in addition to the permit application fee required by Section 3-2.

Section 3-5. Display of Permit.

All Permits issued pursuant to this Ordinance shall be prominently displayed in a conspicuous place at the Mobile Food Establishment and shall remain so displayed for so long as the Mobile Food Vendor operates the Mobile Food Establishment. The Permit shall be produced and handed over immediately upon request of a law enforcement officer or employee of the Code Enforcement Department of the City.

Section 3-6. Permit Invalidity.

Permits issued pursuant to this Ordinance shall not be valid during the time and location of any special events.

Section 4. Restrictions on Operation.

Section 4-1. Historic District.

(A) If operating within the Historic District, Mobile Food Establishments must be moved daily.

(B) Prior to operating in the Historic District, all Mobile Food Establishments shall apply for and obtain a Certificate of Appropriateness.

Section 4-2. Alcoholic Beverages Prohibited.

The sale of alcoholic beverages at Mobile Food Establishments is prohibited.

Section 4-3. Sale of Goods Other than Food and Non-Alcoholic Beverages Prohibited.

The sale of any goods other than food and non-alcoholic beverages is prohibited.

Section 4-4. Size Restrictions.

No Mobile Food Establishment shall exceed thirty-two (32) feet in length and eight (8) feet in width.

Section 4-5. Operation on Property Owned or Leased.

(A) Mobile Food Establishments shall be operated on property owned or leased by the Mobile Food Vendor.

(B) All Mobile food Establishments shall comply with applicable zoning regulations established by City of Opelousas.

Section 4-6. Observance of Federal, State and Local Laws.

Mobile Food Vendors shall observe all federal, state and local laws when operating the Mobile Food Establishment. Under no circumstances shall any Mobile Food Establishment obstruct any public or private sidewalk or street.

No item related to operation of the Mobile Food Establishment shall be placed on any street, sidewalk, public place, or anywhere other than in or on the Mobile Food Establishment.

Section 5. Violations.

Section 5.1. Civil Fines and Penalties.

Any person found to have violated any provision of this Article shall be subject to a fine of not more than five hundred dollars (\$500.00) for each offense. In the event a Mobile Food Establishment is given written notice regarding any violation of this Ordinance, each day that the Violation(s) continue, after the time for compliance, if any, has expired, shall be deemed a separate offense.

Section 5.2. Lien and Privilege

City of Opelousas shall have a lien and privilege against the immovable property in, on, or upon which Violation(s) have occurred. The lien and privilege shall secure all fines, fees, costs, and penalties that are assessed by the Code Enforcement Department.


Section 6. Severability.

If any section, subsection, sentence, clause or phrase of this Article is, for any reason, held unconstitutional or invalid, such decision or holding will not affect the validity of the remaining portions hereof. It being the intent of the City Council to enact each section and portion thereof, individually and each such section will stand alone, if necessary, and be in force not with the validity of any other division, section, subsection, sentence, clause, or phrase of these regulations.

Opelousas, Louisiana this 14th day of February, 2023.

ATTEST:


LEISA ANDERSON, CITY CLERK


JULIUS ALSANDOR, MAYOR