

2021-0312

**INTRODUCED BY: MATTHEW JEWELL, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)**

ORDINANCE NO. 21-12-5

An ordinance to amend the St. Charles Code of Ordinances, Chapter 13 Licenses, Taxation and Miscellaneous Business Regulations, Article V. Roadside, Mobile, Etc., Vendors in order to permit retail sales from mobile food establishments on private commercial property.

WHEREAS, the St. Charles Parish Code of Ordinances, Chapter 13, contains language restricting the retail sale of food from mobile food establishments along any public right-of-way; and,

WHEREAS, the Code of Ordinances does not contain language permitting and regulating retail sales of food from mobile food establishments on private property; and,

WHEREAS, St. Charles Parish wishes to establish regulations allowing for the orderly permitting and regulation of the retail sales of food from mobile food establishments on private property.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Chapter 13 Licenses, Taxation and Miscellaneous Business Regulations, Article V. Roadside, Mobile, Etc., Vendors is amended as follows with new text in underline and deleted text in ~~strikethrough~~:

Sec. 13-501. Definitions.

Mobile Food Establishment: a business conducting the retail sale of food on a temporary basis and designed to be readily movable.

Sec. 13-502. Sec. 13-501. - Exemption.

The provisions of this article shall not apply to any parish-owned property which is under lease or is part of a special event and where there is erected a stationary building or structure of a permanent nature, or in any public park/facility.

Sec. 13-503. Sec. 13-502. - Sales on public property prohibited.

It shall be unlawful for any person to sell any merchandise, wares, goods, food, food products, plants, flowers, seafood of any kind, paintings, mirrors, or any artifact or saleable product from any truck, automobile, motor vehicle, mobile unit, cart, stand, table, temporary building, portable or moveable container or display case, whether closed or enclosed, or operating on a permanent, temporary, or seasonal basis upon public right of ways such as a street, boulevard, highway, roadway, emergency lane, neutral ground, or shoulder of a road which is used for vehicular traffic or any other public property dedicated for specific use.

Sec. 13-504. Sales on private property, permitting and operational regulations.

- 1) Any person who wishes to operate a mobile food establishment in St. Charles Parish must obtain: a letter of zoning clearance from the Department of Planning and Zoning, occupational license from the St. Charles Parish Sheriff's Office, and local tax identification number from the St. Charles Parish School Board's office. The occupational license and tax identification number cannot be applied for until the letter of zoning clearance is obtained. In order to obtain a zoning clearance letter for a mobile food establishment, the following must be submitted to the Department of Planning and Zoning:
 - a. Application for zoning clearance for a mobile food establishment.
 - b. Copy of a current lease or notarized letter of permission from the owner, lessor or sublessor of the property.
 - c. Permit from the Louisiana Department of Health and Hospitals.
 - d. Plan showing the location where the business activity will be conducted.
- 2) Mobile food establishments permitted to operate in St. Charles Parish must adhere to the following operational regulations:
 - a. Sales must be conducted only from privately-owned property in non-residential areas.
 - b. Sales cannot be conducted within required setbacks or buffer areas where abutting residential uses.
 - c. The location of mobile food establishments must not pose hazards to pedestrians or impede traffic circulation.
 - d. The location where the operation occurs and those areas immediately adjacent must be kept free from all refuse, litter and trash attributable to the business activity.

Sec. 13-505. Sec. 13-503 - Penalty.

Any mobile food establishment found in violation of the provisions in Sec. 13-504 will have their letter of Zoning Clearance revoked and notices will be sent to the St. Charles Parish Sheriff's Office regarding the revocation.

Any person who violates any provision of this article, upon conviction, ~~shall~~ may be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or be imprisoned for not more than thirty (30) days, or both, at the discretion of the court.

Secs. 13-506 ~~13-504~~—13-508. Reserved.

Secs. 13-509—13-600. Reserved.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: BILLINGS, FONSECA, DARENSBOURG GORDON, CLULEE, GIBBS,
DUFRENE, BELLOCK, FISHER, FISHER-PERRIER
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 20th day of December, 2021, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Marilyn B. Butler
SECRETARY: Michelle Inpostato
DLVD/PARISH PRESIDENT: December 21, 2021
APPROVED: DISAPPROVED:

PARISH PRESIDENT: Matt Jewell
RETD/SECRETARY: December 22, 2021
AT: 8:45 am RECD BY: [Signature]