

**ORDINANCE 2022-20**

**ORDINANCE TO PROHIBIT FOOD TRUCKS or ROLLING VENDORS and to Provide for Limited Exceptions regarding to the same.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL** of the City of Baker, Parish of East Baton Rouge, Louisiana, in regular session assembled, a proper quorum being there and then assembled on the 22<sup>nd</sup> day of November, **2022**, as follows, to-wit:

**Regarding the ability of businesses classified as Food Trucks and/or Rolling Venders to legally operate and/or conduct business within the City of Baker, Louisiana this Ordinance is herein and hereby Enacted as follows:**

***SECTION 1:***

**FOOD TRUCKS and ROLLING VENDORS**

**Definitions:**

- (a) **Food Trucks** or Rolling Vendors in the City of Baker shall be defined as any individual business or juridical person business entity who operates from any statinary location and/or changes retail or service locations from hour to hour, day to day or week to week selling or offering foods and/or beverages or any other legally permissible merchandise for the purpose of selling such items at retail or by securing orders for the sale of such items.
- (b) **Finance Director** means the Director of Finance of the City of Baker or the duly authorized assistants.

***SECTION 2:***

**LICENSE REQUIRED**

In the City of Baker **it shall be unlawful** for any Food Truck or Rolling Vendor to transact any phase or type of business except when pre-approved for City of Baker Festivals or other approved and authorized City of Baker Events, and only after applying to the Director of Finance for a special event Food Truck/Rolling Vendor License/Permit. The fee for such a license shall be established by the Director of Finance and must be paid prior to the event. A Food Truck/Rolling Vendor who receives a duly issued special event License/Permit will not be required to also apply for a Occupational License/Permit. This Ordinance shall apply to any and all current and/or existing or preexisting Food Trucks or Rolling Vendors within the city limits of the City of Baker. There shall be no Grandfathering exceptions to this ordinance.

***SECTION 3:***

**APPLICATION PROTOCOL**

**All applicants for a authorized and pre-approved Food Truck/Rolling Vendor special event License/Permit shall provide the following information:**

1. A complete name and physical home and business address of the specific proposed applicant operator;
2. The business/firm he or she represents if any, along with written valid credentials describing the exact relationship with the business/firm;
3. A full, accurate and clear description of the nature of the business and the type of merchandise desired to be sold;
4. The physical location from which the applicant intends to offer and sell the described merchandise;
5. A Hold Harmless and Statement of Indemnity in favor of the City of Baker absolving the City of Baker from all claims of liability that may arise in connection with the Food Truck/Rolling Vendor operator's solicitations and sales.

***SECTION 4:***

**ZONING REQUIREMENTS**

All Food Trucks and Rolling Vendors must comply with all applicable City of Baker Zoning requirements and may only operate within the Zoning areas which do not prohibit the type of merchandise being offered. Unless licensed/permitted to operate from and upon a designated location that is property owned by the City of Baker, they shall only be allowed to operate from and upon other locations designated or approved by the City of Baker and shall operate from a physical position of no closer than 300 feet away from streets, roads or highways, respectively;

***SECTION 5:***

**VIOLATION PENALTIES**

Whoever violates the provisions of this Ordinance shall be fined not less than \$1,000.00 or may be imprisoned for not more than 6 months or both.

***SECTION 6:***

All Ordinances and parts of Ordinances in conflict herewith and the same are hereby Repealed.

All Ordinances not in conflict herewith and not affected by the amendment hereinabove set forth are hereby maintained in full force and effect as if re-enacted herein.

The Repeal of an Ordinance shall not effect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceedings pending at the time of the repeal, for an offense committed under the ordinance repealed.

***SECTION 7: SEVERABILITY***

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by any Court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrases, clauses, sentence, paragraph or section. If the provisions of this ordinance, or the application thereof to any person, fact, situation or

circumstance are held invalid, the remainder of this ordinance and the application of such provisions to the other persons, facts, situations or circumstances, shall not be affected thereby.

**SECTION 8: INVALIDATION**

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications and, to that end, any and all provisions of this ordinance and applications thereof are declared to be severable.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS:** Bryant, Jackson, Vincent  
**NAYS:** Dunn, Young  
**ABSENT:** None  
**ABSTAIN:** None

And the Ordinance was presented November 8, 2022, at the regular meeting of the Baker City Council held at the City Hall Building in Baker, Louisiana.

And the Ordinance was declared adopted on this, the 22<sup>nd</sup> day of November, 2022 at the regular meeting of the Baker City Council held at the Baker City Hall Building in Baker, Louisiana.

**ATTEST:**

**/s/Angela Canady Wall, LCMC, Clerk of Council**

**/s/Darnell Waites, Mayor**