

ORDINANCE 2024-16

**CITY OF BAKER FOOD TRUCK BUSINESS
PERMITS and LICENSING REQUIREMENTS and to
Provide for Other Matters 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 27th day of August 2024, as follows, to-wit:

Regarding the ability of businesses classified as Food Trucks 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

Definitions:

- (a) Persons who operate Food Trucks in the City of Baker shall be defined as any individual or juridical person or business entity who retails and/or sells food goods and non alcoholic beverages goods, from permissible assigned and/or designated locations within the City of Baker from physical and visible mobile business units known as Food Trucks.**
- (b) Finance Director means the Director of Finance of the City of Baker or his or her duly authorized assistants.**

SECTION 2:

LICENSE REQUIRED

In the City of Baker it shall be unlawful for any Food Truck to transact any phase or type of business without first applying to and receiving from the Director of Finance a Food Truck Vendor's License/Permit. The fee for such a License/Permit shall be established per each one applied for and granted by the Director of Finance and must be paid and reapplied for annually. A Food Truck which receives a duly issued License/Permit will not be required to also apply for a Occupational License/Permit within the City of Baker.

SECTION 3:

APPLICATION PROTOCOL

All applicants for a Food Truck Vendor License/Permit shall provide the following information:

- 1. A complete name and physical home address of the specific proposed 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 food and beverage merchandise desired to be sold;**

4. The number of days per week the applicant intends to solicit and/or offer for sale the described merchandise;
5. The physical location from which the applicant desires to offer and sell the described food and beverage merchandise;
6. A accurate copy of a valid Written Lease Agreement between the proposed Food Truck operator and the property owner of the location at which the soliciting and selling is to take place, or valid written proof that the applicant him or herself owns the physical location to be attached to the License/Permit;
7. A valid copy of a Liability Insurance policy which also specifically covers the Food Truck, the Food Truck Business and the property location where the soliciting and the sales are to take place in the City of Baker.
8. A Hold Harmless and Statement of Indemnity in favor of the City of Baker absolving the City of Baker from any and all claims of liability that may arise in connection with the Food Truck operator's solicitations and sales.

SECTION 4:

LEASE REQUIREMENTS

Before any License/Permit may be issued by the City of Baker Finance Department to a proposed Food Truck Vendor applicant, the applicant shall be required to provide a valid written and properly signed Lease Agreement for use of the proposed property location where solicitations and sales will take place. This Lease must include clear language stating who, whether the lessor or the lessee or both, shall be responsible for liability or liability claims which may arise in connection with the Food Truck business activities at the leased location and a Certification Statement that no form of alcoholic beverages will be sold or permitted to be sold from the Food Truck and/or by the Food Truck Vendor within the City of Baker.

SECTION 5:

INSURANCE REQUIREMENTS

Before any License/Permit may be issued by the City of Baker Finance Department to a proposed Food Truck or Rolling Vendor, in addition to a written Lease Agreement or proof of ownership, the applicant shall be required to provide a valid written Policy of Insurance in the amount of not less than \$250,000, per incident, which must cover the property on which the proposed business activity is to take place. This Insurance Policy must also include a provision that the City of Baker Finance Department will be notified within not more than 10 days in the event the said Insurance Policy becomes cancelled for any reason.

SECTION 6:

ZONING REQUIREMENTS

All Food Truck 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 and sold.

SECTION 7:

**LIMITATION ON NUMBER OF FOOD TRUCK VENDORS ALLOWED,
PLACEMENT AND SIZE REQUIREMENTS**

Only Five (5) Food Truck Vendors shall be allowed to operate within the City of Baker at all times.

Although a specific location may be requested by the Food Truck Vendor applicant, all License/Permit locations shall be subject to approval and/or assignment by the City of Baker Finance Licensing/Permit Department.

Food Truck Vendors shall not be allowed to operate on the Main Street within the City of Baker.

Food Truck Vendors shall not be allowed to operate on Plank Road within the City of Baker.

Food Truck Vendors physical Food Truck must have a length of not less than 16 feet but not more than 26 feet; and must have a width of not less than 8 feet but not more than 10 feet;

SECTION 8:

VIOLATION PENALTIES

Whoever violates the provisions of this Ordinance shall be fined not less than \$500.00 and not more than \$750.00 or may be imprisoned for not more than 30 days, or both. Each day that a violation is committed shall constitute a separate violation for purposes of this penalty provision.

SECTION 9:

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 affect 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 10: 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 11: 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: Collins, Dunn, Murphy, Young

NAYS: Vincent

ABSENT: None

ABSTAIN: None

And the Ordinance was presented August 13, 2024, 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 27th day of August, 2024 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