

ORDINANCE NO. JO-015-2022

A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AMENDING CHAPTER 70 OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES BY ENACTING ARTICLE IV "MOBILE FOOD ESTABLISHMENTS" REGARDING THE PERMITTING AND OPERATION OF SAME, AND ESTABLISHING PENALTIES FOR VIOLATIONS, AND AMENDING CHAPTER 89 OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES, BY AMENDING ARTICLE 2, SECTION 89-21-2 "USE TABLE" AND SECTION 89-21(d) RELATED TO MOBILE FOOD ESTABLISHMENTS

BE IT ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

WHEREAS, the Lafayette City Council and the Lafayette Parish Council desire to amend Chapter 70 and Chapter 89 of the Lafayette City-Parish Consolidated Government Code of Ordinances to enact reasonable regulations associated with the permitting, use, and operation of Mobile Food Establishments in the City of Lafayette and the unincorporated areas of the Parish of Lafayette, the same being necessary to further the health, safety and welfare of the citizens of the City and Parish of Lafayette.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

SECTION 1: The above "Whereas" clause is adopted as part of this joint ordinance.

SECTION 2: The title to Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 70 "PEDDLERS AND DOOR-TO-DOOR VENDORS," is hereby amended and shall read as follows:

CHAPTER 70: PEDDLERS, DOOR-TO-DOOR VENDORS, AND MOBILE FOOD ESTABLISHMENTS

SECTION 3: The Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 70, Article IV "MOBILE FOOD ESTABLISHMENTS," is hereby enacted and shall read as follows:

ARTICLE IV. – MOBILE FOOD ESTABLISHMENTS

DIVISION 1. - GENERALLY

Sec. 70-81. Legislative intent and purpose

- (a) The legislative intent and purpose in adopting this Article is to promulgate reasonable rules and regulations for the lawful operation of a Mobile Food Establishment, as defined herein, within the City and Parish of Lafayette.
- (b) The Lafayette City Council and Lafayette Parish Council find that the establishment of reasonable rules and regulations as hereinafter set forth concerning Mobile Food Establishments is necessary to promote, protect and preserve the general welfare, safety, health, peace, good order and economy of Lafayette and the citizens of Lafayette Parish, Louisiana.

Sec. 70-82. Territorial applicability.

Except as otherwise provided in this Article, the provisions of this Article shall apply in both the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

Sec. 70-83. No vested rights in permit.

The City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government, as the case may be, reserves the right to amend or repeal this Article at any time, and no Operator or Permittee shall have any vested rights to operate hereunder, retain a permit, or have a permit renewed.

Sec. 70-84. Non-Transferability; Non-Exclusivity.

Permits issued pursuant to this Article shall not be sold, transferred, assigned, leased or subleased to any other Operator, Permittee, person or entity. Any such sale, transfer, assignment, lease or sublease renders the permit null and void. Nothing contained herein shall be construed to give an Operator or Permittee the exclusive right to operate within the City of Lafayette or the unincorporated areas of the Parish of Lafayette.

Sec. 70-85. Limitation of liability.

Neither the City of Lafayette, the Parish of Lafayette, nor the Lafayette City-Parish Consolidated Government, as the case may be, shall be liable to any Permittee, or Permittee's customers or other third parties for any loss, damage or injury to Permittee, its Mobile Food Establishment, customers, or any other property or third persons as a result of the operation and/or use of a Mobile Food Establishment. The City of Lafayette, the Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government makes no representations or warranties concerning the condition or suitability of its streets, sidewalks, rights-of-way, or other public property for the operation of a Mobile Food Establishment.

Operators, Permittees, and its/their customers acknowledge and agree that the City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government are not responsible for providing security at any location where Mobile Food Establishments are parked, operated, or located.

Sec. 70-86. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Base of Operations/Commissary means a catering establishment, restaurant, or any other properly equipped place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

Department refers to the Lafayette City-Parish Consolidated Government, Department of Community Development and Planning.

Director refers to the director of the Lafayette City-Parish Consolidated Government, Department of Community Development and Planning or his/her designee.

Food Establishment means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption. The term includes restaurants, cafeterias, caterers, delicatessens, bars, lounges, or any other facility that prepares food for individual service or for a group of people, whether consumption is on or off the premises and regardless if there is a charge for the food. The term does not include:

- a. private homes where food is prepared or served for individual family consumption and a kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by "law" and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;
- b. a kitchen in a private home, such as a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Office of Public Health.

Governing authority refers to the governing authority of the City of Lafayette, the Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government, as the case may be.

Mobile Food Establishment means a vehicle-mounted Food Establishment designed to be readily movable, which includes a motorized or towed self-contained food service operation truck or towed self-contained trailer unit designed to be readily movable. A Mobile Food Establishment shall not mean a stand, booth, or cart.

Operator means a person, firm or corporation, including its agents and employees, which operates a Mobile Food Establishment in the City of Lafayette and/or the unincorporated areas of Lafayette Parish.

Permittee means an Operator that holds a current and valid permit issued pursuant to this Article.

Sec. 70-87. Safety regulations.

An Operator/Permittee of a Mobile Food Establishment shall be subject to all federal, state, and local health, safety, and traffic laws and regulations.

Without limiting the generality of the foregoing, an Operator/Permittee shall be subject to and shall comply with all applicable regulations of Title 51 "Public Health – Sanitary Code" of the Louisiana Administrative Code, and all applicable regulations of the Louisiana Department of Health and Hospitals, including any amendments thereto. Said regulations are adopted and incorporated herein by reference.

Sec. 70-88. Duty to cooperate.

Operators/Permittees shall cooperate and meet with the Director upon request. Failure to comply with the provisions of this Article, as well as all federal, state, and local health, safety, and traffic laws and regulations, including but not limited to applicable regulations of Title 51 "Public Health – Sanitary Code" of the Louisiana Administrative Code and the Louisiana Department of Health and Hospitals, may subject a Permittee to a fine, or may result in a denial, suspension or revocation of a Mobile Food Establishment permit or renewal thereof.

DIVISION 2. – PERMIT REQUIREMENTS

Sec. 70-89. Permit required.

A Mobile Food Establishment permit issued by the Lafayette City-Parish Consolidated Government shall be required to lawfully operate a Mobile Food Establishment within the City of Lafayette and/or the unincorporated areas of Lafayette Parish.

Sec. 70-90. Permit application.

- (a) Operators who desire to operate a Mobile Food Establishment in the City of Lafayette and/or the unincorporated Lafayette Parish shall complete and submit an application for permit, in the form provided by LCG, to the Director.
- (b) In addition to the requirements of sub-paragraph (a) of this Section, the Operator shall submit:
 - (1) Payment of a \$400.00 non-refundable, non-transferrable permit fee;
 - (2) The address of the Base of Operations/Commissary or other fixed Food Establishment to be used by the Operator during the permit year;
 - (3) Documentary evidence of a zero-balance for all imposed fees, fines, assessments, charges, penalties, taxes, levies, owed by the Operator, as well as any ad valorem taxes on the Base of Operations/Commissary or other fixed Food Establishment to be used by the Operator, or any other outstanding amounts whatsoever owed by the Operator to any department and/or division of the Governing Authority;
 - (4) A copy of the organizational documents establishing the Operator's business entity and evidencing the nature of same (e.g. LLC, Corporation, Partnership, etc.), as well as any amendments or bylaws associated therewith;
 - (5) The name and contact information (including mailing address, telephone number and email address) of a person or persons designated by the Operator to receive any notices sent by the Director to the Operator during the permit year;
 - (6) Certificate(s) of insurance in an amount and form required by the Lafayette City-Parish Consolidated Government, Risk Management Division and included in the permit application;

- (7) Signed indemnification and hold harmless agreement in the form included in the permit application;
 - (8) Operator shall provide a copy of the Mobile Food Establishment's valid registration with the Louisiana Department of Motor Vehicles, or equivalent from any other state.
 - (9) Operator shall provide a copy of a valid permit issued by the Louisiana Department of Health and Hospitals for the Base of Operations/Commissary or other fixed Food Establishment, as well as the Mobile Food Establishment.
 - (10) For any property not owned by Operator where its/their Mobile Food Establishment operates, Operator shall, prior to commencing operations thereon, secure a written agreement from the person(s) having legal custody/garde over said property authorizing Operator to operate thereon. A copy of said written agreement(s) shall be kept in the Mobile Food Establishment at all times and shall be made available to the Director upon request.
- (c) *Abandonment of permit application.* An application for a new or renewal permit shall be deemed abandoned if:
- 1. The Director has sent written notice to the Operator or Permittee that said application is incomplete or requires supplementation ("Deficiencies"); and
 - 2. More than 45 calendar days have elapsed from the date of the notice of the Deficiencies by the Director explaining the Deficiencies, and the Operator or Permittee has failed to correct the Deficiencies and re-submit a revised permit application to the Director.

Any abandonment of a permit application will require the Operator or Permittee to submit a new application pursuant to this Section. The application fee of the abandoned application shall not be transferred to a new application.

- (d) During the permit year, any changes to the information provided by a Permittee in its permit application must be reported to the Director, in writing, within ten days of the change.
- (e) The application for and acceptance of a permit hereunder signifies a Permittee's acknowledgement and agreement that all public rights-of-way are in an "as is" condition and that the City of Lafayette, Parish of Lafayette, and the Lafayette City-Parish Consolidated Government make no representations or warranties concerning the condition of the rights-of-way or their suitability for use by Permittees or its customers, and assumes no duty to warn either Permittees or its customers concerning conditions that exist now or that may arise in the future.
- (f) Permittees authorized to operate in accordance with this Article may be required to obtain additional permitting from the Governing Authority.

Sec. 70-91. Duration of permit; permit renewal.

- (a) Permits and renewals thereof issued pursuant to this Article shall be valid from the date of issuance until July 31 of the calendar year in which the permit has been issued, unless sooner suspended or revoked by the Director.
- (b) Application for an annual renewal of a permit shall be made by the Permittee no later than 60 days before permit expiration. Application for permit renewal shall require:
 - (1) Payment of a \$400.00 non-refundable, non-transferrable application fee;
 - (2) Supplementation of Permittee's original permit application and supporting documentation to the extent the information contained therein has changed and/or requires renewal or update, including but not limited to updates to those items listed in Section 70-90(b), or a notarized statement by Permittee's authorized representative attesting that no information has changed, and if changed, has been updated since the original permit application.
- (c) If, through no fault of the Permittee, a renewal permit is not issued before August 1 of the permit year, the Director may extend the Permittee's permit until such time as the Permittee's application for renewal permit is granted or denied and may prorate the renewal permit fee.
- (d) Permittee is not entitled to and has no automatic right to renewal of its permit. Renewal permits may be withheld or denied in the discretion of the Director, which decision may be based on the information in the renewal application, as well as any recommendation, records and/or operational history available to the Director

DIVISION 3. – MOBILE FOOD ESTABLISHMENT OPERATIONS

Sec. 70-92. Generally.

- (a) Whether operating on private property or public property, a Mobile Food Establishment Permittee shall comply with the requirements of the Lafayette Development Code, as well as all other applicable ordinances, statutes, rules and regulations of the City of Lafayette, Parish of Lafayette, and State of Louisiana.
- (b) Each Mobile Food Establishment must report to its designated Base of Operations/Commissary or other fixed Food Establishment at least once a day for food, supplies, cleaning, and servicing. Mobile Food Establishments shall completely retain their mobility at all times.
- (c) A Mobile Food Establishment shall be constructed of high-quality materials, shall be kept clean and in good repair.
- (d) A Mobile Food Establishment Permittee shall display its/their permit issued pursuant to this Article on the Mobile Food Establishment at all times in a conspicuous place where it is readily visible by the general public.

Sec. 70-93. Prohibitions.

- (a) Unless otherwise permitted, no Mobile Food Establishment Permittee shall sell goods, wares, or other items of merchandise other than food or drink. Sale of alcoholic beverages is prohibited unless authorized by the Alcohol and Noise Control Division of Lafayette City-Parish Consolidated Government.
- (b) Connection to municipal utilities shall not be permitted unless approved by the utility provider. Any unauthorized connection to the LUS water system in conjunction with the operation of a Mobile Food Establishment is strictly prohibited and is unlawful.
- (c) Under no circumstances can liquid waste or grease be released or disposed of in tree pits, storm drains or onto the sidewalks, streets, or other public spaces. Violation of this subparagraph (c) shall result in the immediate revocation of Permittee's Mobile Food Establishment permit.
- (d) The Mobile Food Establishment Permittee and/or its employees is/are responsible for the proper disposal of waste and trash associated with the operation of the Mobile Food Establishment. All Mobile Food Establishments shall be equipped with a portable trash receptacle, and while in operation, such shall be placed near the unit and in a manner that does not impede pedestrian or vehicular traffic. Public trash receptacles are not to be used for this purpose. Permittees and/or its employees shall remove all waste and trash related to and/or resulting from the operation of its/their Mobile Food Establishment prior to leaving a location, and, during operation as needed to maintain the health and safety of the public. Permittee's and/or its employees' failure to comply with this subsection shall subject Permittee and/or its employees to the Litter Abatement provisions contained within Chapter 34, Article II, Division 5 of the Lafayette City-Parish Consolidated Code of Ordinances, in addition to any and all other available enforcement actions provided for under this Article.
- (e) A drive through is not permitted in conjunction with the operation of any Mobile Food Establishment.
- (f) No Mobile Food Establishment may be operated, parked, or stored in such a manner as to create a dangerous or unsafe condition.
- (g) Except for localized lighting that is used for the purpose of menu illumination, no external lighting is permitted.
- (h) Outdoor seating is strictly prohibited.
- (i) No Mobile Food Establishment may be used for living, sleeping, or housekeeping purposes.
- (j) No signage shall be allowed other than signs permanently attached to the Mobile Food Establishment and one portable menu sign with a changeable face no more than six square feet in display area in or within close proximity to the customer waiting area.

Sec. 70-94. Location and operational restrictions.

- (a) Mobile Food Establishments shall only operate on property wherein its operation would constitute an accessory use to a lawful, non-residential principal use. For purposes of this restriction, accessory use shall mean a use customarily incidental and subordinate to the principal use or building and located on the same property with the principal use or building.

Further, principal use shall mean the main use of land or buildings as distinguished from a subordinate or accessory use.

- (b) Mobile Food Establishments shall not operate in the public right-of-way.
- (c) All Mobile Food Establishments shall operate on a durable all-weather material, such as concrete, asphalt, limestone or other aggregate, unless otherwise approved by the Director.
- (d) A property owner may allow multiple Mobile Food Establishments to operate on a single lot at the same time. The maximum number of Mobile Food Establishments per lot is limited as follows:

Lot Size	Maximum Number of Mobile Food Establishments*
< ½ Acre	2
> ½ Acre but < 1 Acre	3
> 1 Acre but < 1 ½ Acre	4
> 1 ½ Acre	5 (unless otherwise approved by Director)

*The maximum number of Mobile Food Establishments per lot shall not apply to an approved Mobile Food Establishment Park (which shall comply with the use requirements and restrictions for Mobile Food Establishment Parks), a fair, carnival, festival, or similar transitory gathering, all permitted separately by LCG.

- (e) All Mobile Food Establishments shall be located at least 100 feet from the main entrance to any fixed Food Establishment, 100 feet from any outdoor dining area and 50 feet from any permitted food vending cart location.
- (f) No Mobile Food Establishment shall occupy parking spaces that are required to maintain the minimum requirements of the principal use. Likewise, no Mobile Food Establishment shall occupy parking spaces that are leased to other businesses and counted to fulfill the lessee's minimum parking requirements. The restrictions in this subparagraph (h) shall not apply during those time periods which fall outside of the principal use's hours of operation.
- (g) No Mobile Food Establishment shall occupy or prevent access to any handicapped accessible parking.
- (h) All Mobile Food Establishments shall be located at least 10 feet from the edge of any driveway or public sidewalk, handicapped ramp, building entrances and exits, emergency access/exit ways, or fire lanes and shall not operate in any area that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (i) All Mobile Food Establishments shall comply with all applicable line of sight and/or sight triangle regulations.
- (j) No Mobile Food Establishment Permittee shall use a hibachi, grill, open flame, or other similar device for cooking, heating, or any other similar purpose within 10 feet of any building or building overhang.
- (k) All Mobile Food Establishments shall be located a minimum distance of 15 feet in all directions of a fire hydrant and any fire department connection, utility box or vault.
- (l) Unless engaged in active operations in accordance with these regulations, no Mobile Food Establishment shall be parked or stored in any RS, RM or A zoning district in the City of Lafayette, or any residential area in the unincorporated areas of Lafayette Parish, in such a manner that: (i) the Mobile Food Establishment is openly visible from a public right-of-way, excluding alleys; and (ii) encroaches upon any setback, public easement and/or servitude.

Sec. 70-95. Violations; Suspension and/or Revocation of Permit

- (a) *Authority of Director.* Permittee may be fined and/or permits may be suspended or revoked by the Director due to any non-compliance with the regulations or requirements of this Article, or due to a failure to comply with any and all statutes, ordinances, regulations or policies that are duly and lawfully adopted by the State of Louisiana, the City of Lafayette, the Parish of Lafayette and/or the Lafayette City-Parish Consolidated Government.
- (b) *Informal hearing before Director.* Before any permit is suspended or revoked pursuant to this Section, the Permittee shall be entitled to an informal hearing before the Director, as provided herein. The Director shall issue a written notice to the Permittee, at the address provided by Permittee in its/their permit application. Written notice may be sent either by regular U.S. Mail or by e-mail to the electronic address provided by Permittee in its/their permit application and shall include the following:
 - a. The date, time, and place of the informal hearing;
 - b. The relevant provisions of the statutes, ordinances, regulations and/or policies that was (were) violated; and
 - c. A brief description of the alleged violation(s).

Prior to holding an informal hearing pursuant to this Section, Permittee shall be notified at least fourteen (14) days (inclusive of legal holidays) in advance of the date that such a hearing is scheduled. The date of postmark or e-mail transmission shall be deemed to be the date of delivery.

Within fourteen (14) days of the informal hearing, the Director shall render a written decision. Notice of the Director's written decision shall be provided to the Permittee. The written decision of the Director shall be final after the expiration of the appeal delays established in this Section.

- (c) *Appeal to District Court.* Within 21 calendar days from the date of the Director's written decision, any party aggrieved may take an appeal to the 15th Judicial District Court. Concurrent with the filing of an appeal to the 15th Judicial District Court, the aggrieved party shall provide notice of such filing to the Director.
- (d) No permit issued pursuant to this Article shall be suspended or revoked until after the decision of the Director has become final.
- (e) Notwithstanding the foregoing or anything herein to the contrary, the lapse, suspension, or revocation of the following shall result in the immediate suspension of Permittee's permit issued pursuant to this Article, and shall continue to be suspended until Permittee cures the deficiency:
 - a. Registration of the Mobile Food Establishment with the Louisiana Department of Motor Vehicles; and
 - b. Permit(s) issued by the Louisiana Department of Health and Hospitals for the Base of Operations/Commissary or other fixed Food Establishment, as well as the Mobile Food Establishment.

Sec. 70-96. Administrative Modification.

- (a) Applicability

The Director, in his/her discretion, is hereby authorized to administratively modify the requirements of this Article for the benefit of an Operator/Permittee when confronted with circumstances related to the use and operation of a Mobile Food Establishment which would otherwise be prohibited by the strict letter of this Article.

- (b) How do I start the process?

A written request from the Operator/Permittee for modification from strict compliance with the requirements of this Article is filed with the Director. Such a request may be

made at any time during the application for a permit issued pursuant to this Article or any renewal thereof; or at any time during the permit year.

(c) How are decisions made?

If the Director finds that the standards in this Section apply, he/she may vary, modify, or waive the requirements of this Article so that substantial justice may be done and the public interest secured.

(d) What are the standards for approval?

The Director may approve a modification if the Operator/Permittee demonstrates that: (1) there are practical difficulties or unnecessary hardships in compliance with the strict letter of this Article; or (2) allowing the modification would not frustrate the overall intent and purpose of these regulations when considering the specific circumstances surrounding the requested modification. If these standards apply, the Director may vary or modify the requirements of this Article so that the spirit of this Article shall be observed, public safety and welfare secured, and substantial justice done.

(e) The modification granted by the Director, if any, shall be the minimum needed to accommodate, in whole or in part, the modification request by the Operator/Permittee. Any modification granted by the Director under this Section shall not conflict with or abrogate applicable state law.

(f) The Director may require conditions to any modification that will, in his/her judgment, secure substantially the objectives of the standards and regulations affected.

SECTION 4: The Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 89, Article 2, Section 89-21-2 "USE TABLE", is hereby amended as follows:

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Table 89-21-2 Use Table

Use Category	" A" Agricultural	" RS" Residential Single-Family	" RM" Residential Mixed	" MN" Mixed-Use Neighborhood	" MX" Mixed-Use Center	" D" Downtown	" CM" Commercial Mixed	" CH" Commercial Heavy	" PI" Public/Institutional	" IL" Industrial Light	" IH" Industrial Heavy
Commercial / Mixed-Use											
Animal Services:											
Animal hospital (indoor)				P	P	P	P	P		P	P
Animal services, generally						P	P	P		P	
Financial Services:											
Automated seller machine, stand alone					P	P	P	P	P	P	P
Financial institutions				P	P	P	P	P	A	P	P
Food & Beverage Sales / Service:											
Bar / Lounge				C	P	C	C	P			P
Food market				P	P	P	P	P	A		
Food preparation				P	P	P	P	P	A		
Food service				C	P	P	P	P	A		
Mobile Food Establishment	A	A	A	A	A	A	A	A	A	A	A
Mobile vendor				P	P	P	P	P	A	P	
Restaurant				C	P	P	P	P	A	P	
Snack or beverage bars				P	P	P	P	P	A	P	
Mixed-Use:											
Mixed-use building				P	P	P	P	P	P		
Office, Business & Professional:											
Office				P	P	P	P	P	A	P	
Personal / Business services:											
Ball bond services						P	P	P		P	
Business support services					P	P	P	P	A	P	
Courier, messenger and delivery services					P	P			A	P	P
Day Labor Service						P		P		P	P
Funeral & interment services						P	P	P		P	
Crematorium								P		P	P
Linen/Uniform Supply						P	P	P	A	P	P
Maintenance & repair services						P	P	P		P	P
Personal services				P	P	P	P	P	A		
Pick-up station (laundry and/or dry cleaning)				P	P	P	P	P			
Retail sales:											
Convenience store				P	P	P	P	P	A	P	
Convenience store (with gasoline sales)						P	P	P		P	
Nonstore retailers					P	P	P	P		P	

SECTION 5: The Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 89, Article 2, Section 89-21(d), is hereby amended as follows:

Live/Work Dwelling	A principally residential building that includes an office, studio, or other commercial use AND a single dwelling unit occupied by the building owner. 4-Compare: (1) Home Occupations (listed under "Accessory," below). A live-work unit allows a broader range of commercial and production-type uses and more non-residential floor area than a home occupation. In addition, a live-work unit may be designed as a townhouse or with a storefront or other commercial design configuration at the ground level, while a home occupation occurs in a building that is designed as a residence. (2) Mixed-use Building (listed under Commercial / Mixed-Use – Mixed-Use, below). A Mixed-use Building allows multiple buildings and residences in the same building, while a Live/Work Dwelling is generally limited to a single dwelling unit and a single business.
Lodging	
Bed and breakfast	An owner- or operator-occupied house, or part of a house, that offers no more than 9 guest bedrooms for overnight paid occupancy of up to 30 consecutive nights, and whose breakfast is provided to guests.
Hotel (small)	A Hotel that does not contain more than 50 guest rooms and does not exceed three stories in height.
Hotel / Motel	A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests and tenants and where only a general kitchen and dining room are provided within the building or in an accessory building.
Recreational vehicle park	Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the public. Examples include campgrounds and recreational vehicle/travel trailer parks. This use does not include a Manufactured Housing Land Lease Community.
Commercial / Mixed-Use	
Animal Services:	
Animal hospital (indoor)	Any part of a building designed or used to care for or observe animals under medical treatment, supervised by a licensed veterinarian. The treatment of animals occurs entirely inside the principal building and not in auxiliary or accessory buildings. This use does not include outside kennels.
Animal services, generally	Any part of a building designed or used to care for, board, groom, observe, or treat animals, supervised by a licensed veterinarian. This use may include overnight boarding or outdoor confinement or exercise areas. Includes a dog pound.
Financial Services:	
Automated teller machine, stand alone	An automated teller machine that is at a location separate from the controlling financial institution.
Financial institutions	A business where the primary occupation is financial services such as banking, savings and loans, loan offices, and check cashing and currency exchange outlets. It does not include financial services that typically occur in an office or storefront, such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Office," below.
Pawn shop	A business that loans money on the security of pledges, deposits or other secured transactions in personal property (other than vehicles or other transportation devices).
Food & Beverage Sales / Service:	
Bar / Lounge	An establishment where the main source of revenue is the sale of alcoholic beverages which are customarily consumed on the premises. This includes taverns, brewpubs, microbreweries, hookah lounges, neighborhood taverns/bars/pubs, or micro distilleries where food and drink are served on the premises.
Food market	A structure or place where agricultural produce is brought for the purpose of retail sales from vehicles, temporary stands, or stalls. These include more than one seller per parcel of land. Examples include farmers markets, seafood markets, and mobile markets.
Food preparation	A business that prepares food and beverages for off-site consumption, including delivery services. Examples include catering shops, bakeries with on-site retail sales, and the small-scale production of specialty foods (such as sweets). This classification excludes food production of an industrial character.
Food service	An establishment for retail sales of food and beverages for off-site preparation and consumption. Examples include grocery/supermarkets, specialty food stores, fruit and/or vegetable stands, butcher shops, delis/restaurants, dairy product sales, food cooperatives, or convenience markets. This category also includes large-scale stores that sell food items and beverages in bulk.
Mobile Food Establishment	A mobile food establishment as defined by LCG Code of Ordinances, Chapter 70, Section 70-36), designed to be used as a mobile unit and includes a prepared or cooked self-contained food service operation which is used to sell, distribute, transfer, and designed to be readily movable. A Mobile Food Establishment shall not mean a stand, booth or unit.
Mobile vendor	Any person, including any employee or agent of another, who sells or offers to sell, but not to prepare, food or beverage from a vending vehicle, trailer or cart. Mobile vendors do not include Mobile Food Establishments.
Restaurant	A structure where food and drink are prepared, served, and consumed. Examples include microbreweries, micro distilleries, sit-down restaurants, cafes, delis, ice cream parlors, specialty food and/or outside dining patios and sitting areas. May include take-out, drive-in, sit-down service, or the sale and consumption of alcohol. The zoning district regulations indicate whether a drive-thru facility for food service is allowed.
Snack or beverage bars	Establishments (consistently engaged in (1) preparing and/or serving a specialty snack, such as ice cream, coffee and/or pastries, frozen yogurt, coolais, or popcorn, or (2) serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises.

SECTION 6: The regulations associated with the operation of a Mobile Food Establishment in the City of Lafayette and unincorporated areas of Lafayette Parish as established herein shall be retroactively applied. Any person or entity currently operating a Mobile Food Establishment shall, on or before March 1, 2022, apply for a Mobile Food Establishment Permit in accordance with Chapter 70, Article IV of the Lafayette City-Parish Consolidated Government Code of Ordinance. The issuance of a Mobile Food Establishment Permit authorizing the operation of a Mobile Food Establishment shall be subject to all regulations and requirements of the Lafayette Development Code and the Lafayette City-Parish Consolidated Government Code of Ordinances.

SECTION 7: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 8: After first having been adopted by a majority of the authorized membership of both the Lafayette Parish Council and the Lafayette City Council, this joint ordinance shall become effective upon signature of this joint ordinance by the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

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RECEIVED

JAN 20 2022

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Community Development and Planning Department
Office of the Director (Route 9041)

TO: Cydra Wingerter **DATE:** January 31, 2022
FROM: Mary Sliman
SUBJECT: Joint Ordinance Amending Chapters 70 & 89 regarding Mobile Food Establishments

Enclosed is a proposed joint ordinance amending Chapters 70 and 89 to enact rules and regulations for Mobile Food Establishments in Lafayette Parish.

Mobile Food Establishments will now have their own article in Chapter 70: Peddlers, Door-to-Door Vendors and Mobile Food Establishments whereupon they will have specific permit requirements and operational regulations.

I request that this joint ordinance be placed on the February 15, 2022 agenda(s) for the Lafayette City Council and Lafayette Parish Council meeting(s).

Sincerely,

A handwritten signature in cursive script that reads 'Mary M. Sliman'.

Mary M. Sliman
Director

Attachment

LAFAYETTE JOINT COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) JUSTIFICATION FOR REQUEST: A joint ordinance of the Lafayette City Council and the Lafayette Parish Council to amend Chapters 70 and 89 to enact rules and regulations for Mobile Food Establishments in Lafayette parish.

2) ACTION REQUESTED: Adoption of the joint ordinance

3) REQUESTED ACTION OF COUNCIL:

A) INTRODUCTION: February 15, 2022

B) FINAL ADOPTION: March 8, 2022

4) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Cover Memo (1 page)

B) Submittal Item Justification Form (1 page)

C) Ordinance (10 pages)

5) FISCAL IMPACT:

 Fiscal Impact (Explain)

 X No Fiscal Impact

RECOMMENDED BY:

Mary Sliman
MARY SLIMAN, DIRECTOR
COMMUNITY DEVELOPMENT AND
PLANNING

APPROVED FOR AGENDA:

Cydra Wright
CHIEF ADMINISTRATIVE OFFICER