

FACT SHEET**CITY OF SHREVEPORT, LOUISIANA**

<u>TITLE</u>	<u>DATE</u>	<u>ORIGINATING DEPARTMENT</u>
An ordinance to amend Division 5 of Article IX of Chapter 42 of the Code of Ordinances relative to food truck vendors, and to otherwise provide with respect thereto.	August 13, 2019	Office of the City Attorney
		<u>COUNCIL DISTRICT</u>
		City-wide
		<u>SPONSOR</u>

PURPOSE

To amend the Code of Ordinances relative to food truck and trailer vendors.

BACKGROUND INFORMATION

This is a companion ordinance to the Shreveport UDC amendments regarding food trucks. Chapter 42, Article IX, Division 5 of the Code of Ordinances and the Shreveport UDC both contain requirements relative to the licensing and operational requirements of food trucks. The MPC has been in the process of updating the Shreveport UDC to streamline the food truck licensing process and update the requirements. The Shreveport UDC amendments, approved by the MPC, will be before City Council for introduction on August 13, 2019 and first available for final passage on August 27, 2019.

If the Shreveport UDC amendments relative to food trucks are passed by City Council, Chapter 42, Article IX, Division 5 of the Code of Ordinances will no longer be congruent with the Shreveport UDC. This ordinance updates the Code of Ordinances to be consistent with Shreveport UDC regarding food truck and trailer vendors.

TIMETABLE

Introduction:	August 13, 2019
Final Passage:	August 27, 2019

ATTACHMENTS

NA

SPECIAL PROCEDURAL REQUIREMENTS**FINANCES**

NA

SOURCE OF FUNDS

NA

ALTERNATIVES

(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION

It is recommended that the City Council adopt the ordinance if the Shreveport UDC amendments regarding food trucks are adopted.

FACT SHEET PREPARED BY:

Danielle A. Farr Ewing
Assistant City Attorney

ORDINANCE NO. _____ OF 2019

AN ORDINANCE TO AMEND DIVISION 5 OF ARTICLE IX OF CHAPTER 42 OF THE CODE OF ORDINANCES RELATIVE TO FOOD TRUCK VENDORS, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY COUNCILMEMBER:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in due, legal and regular session convened, that Division 5 of Article IX of Chapter 42 of the Code of Ordinance of the City of Shreveport, is hereby repealed and replaced as follows:

Delete Division 5 and insert a new Division 5 as follows:

DIVISION 5. - FOOD TRUCK AND TRAILER VENDORS

Sec. 42-320.20. - Definitions.

For the purposes of this division, the following terms shall have the following meanings:

Food truck and trailer vendor—commonly referred to as a “food truck”—means a vendor that operates a commercially-manufactured motorized self-contained food service operation truck or towed trailer unit designed to be readily movable. Food truck and trailer vendors prepare ready-to-eat food that is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution. Any food truck and trailer vendor must completely retain its mobility at all times. Mobile food trucks and trailer units are not meant to be permanent facilities. A food truck and trailer vendor does not mean a stand or a booth.

Vehicle shall have the meaning set forth in section 90-1 of this Code, and for the purposes of this division, includes both motor vehicles and trailers.

Vendor means any person, firm or corporation, including its agents and employees, which engages in the business in the city of selling or offering for sale any goods or merchandise or exhibiting the same for sale or for the purpose of taking orders for the sale thereof.

Sec. 42-320.21. – Food truck and trailer license required.

A food truck and trailer vendor’s license shall be required to conduct business within the City of Shreveport on private property, City-owned property or within the public rights-of-way, unless exempt by the Shreveport Unified Development Code.

Cross reference— Shreveport Unified Development Code, Article 6, Use Standards, Subsection S, Food Truck and Trailer Vendors.

Sec. 42-320.22. – Operational regulations.

- (a) A food truck and trailer vendor shall comply with the requirements of the Shreveport Unified Development Code, whether operating on private property or City-owned property, or within the public rights-of-way as established by section 42-320.24, as well as all other applicable ordinances, statutes, rules and regulations of the City of Shreveport and State of Louisiana.
- (b) All food truck and trailer vendors shall obtain and maintain insurance in a form and amount approved by the risk manager.
- (c) All food truck and trailer vendors shall execute a hold harmless agreement in a form approved by the city attorney.

Cross reference— *Shreveport Unified Development Code, Article 6, Use Standards, Subsection S, Food Truck and Trailer Vendors.*

Sec. 42-320.23. – Zoning and location restrictions.

- (a) Unless otherwise exempt, a food truck and trailer vendor shall only operate in allowable zoning districts as indicated on the Use Matrix in Article 5 of the Shreveport Unified Development Code, and shall only operate where an existing, permanent business operates in a building with a certificate of occupancy.
- (b) Food truck and trailer vendors may conduct business within the City’s public rights-of-way provided they operate per the requirements of operate per the requirements of section 42-320.24.
- (c) Food truck and trailer vendors shall not conduct business on a vacant or abandoned lot.

Cross reference— *Shreveport Unified Development Code, Article 6, Use Standards, Subsection S, Food Truck and Trailer Vendors.*

Sec. 42-320.24. – Food truck and trailers in the Public Right-of-Way.

Food truck and trailer vendors shall comply with all of the following when operating within the public right-of-way:

- (a) Maintain a liability insurance policy of at least \$1,000,000 that names the City as an additional insured;
- (b) The food truck and trailer, including all attachments and accessories, shall not occupy an area in excess of eight feet wide, or the width of a parking space, whichever is less, and 35 feet long;
- (c) The food truck and trailer shall be legally parked;

- (d) Food truck and trailers shall not operate in the public right-of-way within 500 feet from any kindergarten-twelfth grade school, between 7:00 a.m. and 4:00 p.m. on regular school days;
- (e) Food truck and trailers shall not be parked within twenty-five (25) feet from a street intersection with a crosswalk, traffic light, or stop sign, or within twenty-five (25) feet from a bus stop. There shall be no restriction of visibility area sight distance at any driveway or intersection;
- (f) Food truck and trailers shall not occupy more than two on-street parking spaces in the public right-of-way;
- (g) Food truck and trailer vendors shall organize customer queuing in a manner that does not interfere with or obstruct the free passage of pedestrians;
- (h) Food truck and trailers shall limit food and beverage service to that side of the food truck and trailers facing away from the street;
- (i) Food truck and trailers shall not encroach onto a public sidewalk with any part of the vehicle or any other equipment or seating furniture related to the operation of the business, except for required trash receptacles. The vendor shall provide an 8-foot vertical clearance for pedestrian access;
- (j) Food truck and trailer vendors shall control smoke and odors caused by food preparation to avoid a public nuisance;
- (k) A food truck and trailer shall not operate in the public right-of-way within 500 feet of a permitted Special Event on public property while such event is in progress unless the food truck and trailer has written authorization from the Event Organizer;

Sec. 42-320.25. - Application generally.

- (a) Application for a food truck and trailer vendor's license required by this division shall be made to the Office of the Metropolitan Planning Commission at least ten days prior to beginning operations in the City.
- (b) The Office of the Metropolitan Planning Commission, along with the City's Revenue Division, shall develop a Food Truck and Trailer Vendor Application Packet containing application forms that combine land use and zoning requirements (pursuant to the Shreveport Unified Development Code) with all operational requirements as required within this division.
- (c) Such application shall be in the form of an affidavit stating the full name and address of the food truck and trailer vendor, the location of his principal office and place of business, the names and addresses of its officers if it is a corporation, and the partnership name and the names and addresses of all partners if it is a partnership.

Cross reference— *Shreveport Unified Development Code, Article 6, Use Standards, Subsection S, Food Truck and Trailer Vendors.*

Sec. 42-320.26. - Fees; duration.

The fee for a food truck vendor's license shall be \$200.00 per year. The license shall expire one year from the date on which it was issued.

Sec. 42-320.27. - Renewal.

A food truck vendor's license issued hereunder may be renewed without making a new application if all information thereon is still correct and the applicant is still in compliance with all requirements. The fee for the renewed license shall be \$200.00. There shall be no limit on the number of renewals, except that the renewal may be refused if the vendor fails to comply with any provision of this chapter.

Sec. 42-320.28. – Violations, Suspension/Revocation, and Enforcement.

- (a) The Zoning Administrator or Executive Director is authorized to revoke a Food Truck and Trailer Vendor's License, as well as issue any zoning violations to the property owner to which the food truck and trailer vendor is operating, if he or she determines that the vendor's operations are violating any of the zoning and operational requirements as established by the Shreveport Unified Development Code.
- (b) Authorized personnel from the City's Revenue Division may revoke a Food Truck and Trailer Vendor's License if he or she determines that the vendor's operations are violating any applicable ordinances, statutes, rules and regulations of the City, Parish and State of Louisiana.
- (c) Authorized personnel from the Shreveport Police Department may issue citations if he or she determines that the vendor's operations are violating any applicable ordinances, statutes, rules and regulations of the City of Shreveport.
- (d) Any Food Truck and Trailer Vendor's License will become void if the vendor's health permit has been suspended or revoked.
- (e) The City Engineer, in accordance with the Shreveport City Code, is authorized to discontinue water service to any property in violation of unauthorized connection to the sewer system and/or unauthorized dumping of grease into the sanitary sewer system.

Sec. 42-320.29. – Existing vendors.

Nothing contained herein shall invalidate a legally issued and valid license relative to the operation of a food truck or trailer vendor that was legally operating on the date of adoption of this division.

BE IT FURTHER ORDAINED that the remainder of Chapter 42, Article IX of the Code of Ordinances shall remain unchanged and in full force and effect.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or

applications of this ordinance which can be given effect without the invalid provisions, items or applications; and to this end, the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective in accordance with the provisions of [Shreveport City Charter Section 4.23](#).

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office