

AN ORDINANCE AMENDING 'CHAPTER 22 – BUSINESSES'
BY ADDING 'ARTICLE V – MOBILE FOOD VENDING' TO
THE CODE OF THE CITY OF RIDGELAND, MISSISSIPPI

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi, that "Chapter 22 – Businesses" of the Code of the City of Ridgeland, Mississippi (or "Ridgeland City Code"), should be and is hereby amended to read as provided for in this Ordinance.

SECTION I.

"Chapter 22 – Businesses" of the Ridgeland City Code is hereby amended to include new and additional language within a new article, namely "Article V. – Mobile Food Vending," as follows:

ARTICLE V.- MOBILE FOOD VENDING

Sec. 22-201.- Applicability.

This article shall apply to all mobile food vendors licensed to sell food and/or beverages in the City of Ridgeland where permitted to do so.

Sec. 22-202. - Definitions.

The following words and phrases, whenever used herein, shall be construed as defined in this section:

Catering Event means an event where food and drinks are paid for by an organizing entity or individual that is invited to cater an event or occasion AND does not make individual sales of food and drinks to customers. Catering Events are not subject to the Mobile Food Vendor Permit Requirements.

Commissary means a permitted food establishment to which a mobile food establishment returns daily for such things as discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

Mobile Food Establishment means a Mobile Pushcart or Mobile Food Vehicle

Mobile food vendor means any person who sells food and/or beverages from a mobile pushcart or motorized mobile food vehicle on a consistent basis and for a period of more than 15 days each calendar year.

Mobile pushcart means any portable vending device, pushcart or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Transportation, used for the displaying, storing or transporting of food offered for sale by a vendor. Said cart may be up to four feet in width, six feet in length, excluding auxiliary items such as handles or fenders, or otherwise the cart shall not occupy space greater than a total of 24 square feet.

Mobile food vehicle means a unit mounted on or pulled by a self-propelled vehicle that may or may not include a self-contained kitchen in which food is prepared, processed or stored and used to sell and dispense food or drinks to the consumer. The unit must be on wheels at all times. If the unit contains a self-contained kitchen and/or if food is prepared in the unit, it shall be self-contained with its own drinking water tank and waste water tank. The use of boats on trailers shall be prohibited. This definition does not include pushcarts but does include any other type of mobile unit that serves food or drink. Mobile Food Vehicles must be moved daily to return to its commissary.

Restaurant means a brick and mortar establishment where meals are generally served and eaten on premises or prepares and serves food and/or drink to customers for consumption on the premises in return for money, either paid before the meal, after the meal, or with a running tab. A restaurant does not include a food service that is delivery only.

Sec. 22-203.- Permits required for Mobile Food Vending.

- (a) All mobile food vendors shall obtain and maintain a City of Ridgeland Privilege License and a Mobile Food Vending Permit for each mobile pushcart or mobile food vehicle in operation. All applications for new permits or renewal permits shall be filed with the City of Ridgeland City Clerk 30 days in advance of obtaining a Permit. Permits are valid for 90 days and can be renewed for an additional 90 days pending a review of the renewal application.
- (b) All permit applicants must operate under an existing licensed restaurant within the City of Ridgeland; however, this section shall stand repealed within six (6) months of the original adoption date.
- (c) The appearance of Mobile Food Vehicles must be approved by the Architectural Review Board (ARB). The ARB reserves the right to add certain appearance standards by policy and may also transfer review authority to Community Development Department. See Sec. 22-208 for Design Standards.
- (d) Permit holders may be required to remove private materials or accessories to allow utility access for emergency and maintenance operation or both.
- (e) This permit does not allow permit holders to operate during city-appointed special events without proper authorization from the special event organizers.
- (f) The permit shall be displayed on the mobile pushcart or mobile food vehicle at all times.
- (g) Permits are non-transferable.
- (h) A damaged or destroyed mobile pushcart or mobile food vehicle may be replaced if and only if approval for its replacement is obtained from the City Clerk's office. Any

such replacement pushcart or vehicle shall be of substantially the same type, size, and dimension and with the same general characteristics as the original. Such replacement may be disallowed if the original vendor permit would not have approved the use of the replacement pushcart or food vehicle.

- (i) Any permit granted pursuant to this article shall be nonexclusive. The city may grant any number of such permits as the city deems appropriate. The granting of a permit shall not limit or abridge any power or authority of the city and shall not limit the authority of the city to commence appropriate civil, criminal, or other enforcement actions. The city retains full authority to amend the ordinances, rules and regulations that apply to any permit.
- (j) The city may revoke and terminate the permit in the event the vendor violates any term, condition, or provision of the permit, the City of Ridgeland Code of Ordinances and/or zoning ordinances, state and/or federal law, or if the business license issued by the city for the permitted activity is revoked. The procedures for revoking or terminating a permit shall be the same as revoking or terminating a business license. The revocation may be sought as a remedy in a civil action. The vendor may terminate or surrender the permit at will any time prior to the expiration of the permit by providing written notice to City Clerk. Termination of the permit shall not operate to relieve the vendor of the obligation to release, hold harmless, and indemnify the city and its officers, agents, and employees.

Sec. 22-204.- Application for Permit.

- (a) Permit Applications shall be processed in the order received. The application may be reviewed by any department of the city as may be necessary or convenient to determine whether the application is complete or whether the permit should be granted. City staff reserves the right to consider prior performance issues in the consideration process. Permit Applications may be subject to ARB Review and could take up to 30 days to process. Permit applications shall contain the following information:
 - i. The name, mailing address, physical address, telephone number(s), and email address of the applicant(s). If any applicant is anything other than a natural person, then all documents related to the creation and maintenance of the entity such as articles of incorporation and any similar relevant documents, including the names of the partners and their addresses, shall be included.
 - ii. A valid Privilege license of a Restaurant or Commissary.
 - iii. Address of Restaurant or Commissary.
 - iv. A food vending permit from the Mississippi Department of Health for the Mobile Pushcart or Mobile Food Vehicle.
 - v. All mobile pushcarts and mobile food vehicles shall be issued a State tax number by the Mississippi Department of Revenue designating them as a City of Ridgeland business.
 - vi. An accurate description of the Mobile Pushcart or Mobile Food Vehicle.

- vii. Photographs of all sides of the mobile pushcart or mobile food vehicle and each associated accessory device and/or signage.
- viii. A copy of a photo ID (e.g. driver's license, passport, or similar)
- ix. A Site Plan including: photos of the site and a detailed layout noting truck orientation and service plan is required for each private site.
 - x. A valid copy of Lease(s) or Letter(s) of consent from property owners for each private site.
 - xi. A list of products to be sold.
- xii. Proof of a valid insurance policy that provides minimum liability coverage of \$300,000.00 per mobile food vehicle and \$100,000.00 per mobile pushcart, with the city named as an additional insured. Additionally, if operating a mobile food vehicle, proof of a valid vehicular insurance policy shall be provided to the City.
- xiii. A written indemnity agreement that will hold harmless the city, its officers, and employees, for any loss or liability or damage, including costs, for bodily injury or property damage sustained by a person as a result of the negligent installation, use, or maintenance of a permitted space.
- xiv. Copies of all letters and other notices from any governmental, quasi-governmental, professional, or business association or entity, related directly or indirectly to alleged or actual improper conduct in the food service business, issued to applicant or any person who will have responsibility for operations of the mobile pushcart or mobile food vehicle for which a permit is requested. This shall include all related response and follow up documents showing any results, findings or actions.
- xv. The dates, jurisdiction, court, and disposition of the following:
 - i. All felony charges related to the applicant or any principal of the applicant; and
 - ii. All misdemeanors and violations directly or indirectly related to food, food, permit operations, and/or business operations, related to the applicant or any principal of the applicant.
- xvi. Such other additional information required by law, rule, or ordinance, or that any department of the city, Mayor, Board of Alderman, or the permit applicant reasonably deems appropriate to assist the city in determining whether the permit should be granted. The applicant shall be provided reasonable time to supplement the application.

Sec. 22-205.- Fees.

- (a) Mobile Food Vending permit fees are \$250.00 per vehicle or pushcart which covers the administrative cost of processing the application and regulating each mobile pushcart or mobile food vehicle. Each Permit is valid for 90 days and may be renewed once for \$25.00 for an additional 90 days.
- (b) Special Event Mobile Food Vending permit fees are \$50.00 per vehicle or pushcart which covers the administrative cost of processing the application and regulating each

mobile pushcart or mobile food vehicle. Each Permit is valid for two (2) consecutive days. (Annual Permits may be used to operate at Special Events)

Sec. 22-206.- Location and Operation.

- (a) Mobile pushcarts and mobile food vehicles shall only conduct business in areas expressly established by this Ordinance. These areas include:
 - i. Pre-approved Locations:
 - ii. Mobile Pushcarts and Mobile Food Vehicles shall be treated as a Restaurant per the Official Zoning Ordinance of the City of Ridgeland.
 - iii. Additional Locations may be considered from time to time.
 - iv. A Vendor Permit may be granted by the City of Ridgeland Recreation and Parks Department for city-organized special events subject to the terms and conditions of said event requirements.

Sec. 22-207.- General Rules and Regulations.

- (a) The City Clerk's Office, Community Development Department, and Public Works Department shall have continuing authority to approve locations, grant conditions for approval, revoke prior approval of locations, make conditional revocations of approved locations, require adjustments by the mobile food vendor in setup or location to accommodate public safety and convenience, and to otherwise maintain full lawful control over all public ways of the city. The City of Ridgeland Police and Fire Departments shall have concurrent authority to oversee locations and setup of mobile pushcarts and mobile food vehicles. If an applicant is denied and wishes to appeal his grievance, he may request an order approving his application to the Board of Alderman at a regular scheduled meeting and said item will be considered "approved or denied."
- (b) Mobile pushcarts and mobile food vehicles shall conform to the following rules and regulations:
 - i. Mobile Pushcarts and Mobile Food Vehicles must be located on private property at all times during operation.
 - a. Proof of Permit must be displayed in plain view on the Mobile Pushcart or Mobile Food Vehicle as well as on file with the City Clerk's office.
 - ii. A Mobile Food Vendor operating in any location shall operate Monday-Thursday between the hours of 6:00 a.m. and 10:00 p.m. and Friday-Saturday between the hours of 6:00 a.m. and 12:00 p.m. and Sunday between the hours of 11:00 a.m. and 7:00 p.m. Cleanup and removal of the pushcart or vehicle shall be completed within 30 minutes of closing.
 - iii. Mobile pushcarts and mobile food vehicles must not be locked or attached to trees, garbage receptacles, or street furniture.

- iv. Mobile pushcarts and mobile food vehicles may not locate within 200 feet of any restaurant, residence, church, school, or daycare measured from any point of the principal restaurant, residence, church, school, or daycare structure to the nearest point of the mobile pushcart or mobile food vehicle.
- v. Mobile pushcarts and mobile food vehicles may not locate within any area which would block the view of traffic or traffic signals or traffic signs.
- vi. Mobile pushcarts and mobile food vehicles may not locate within twenty (20) feet of any fire hydrant.
- vii. The operator(s) must be present at all times.
- viii. Sales of goods are limited to food and beverage.
 - a. The sale of alcoholic beverages is prohibited, except for areas properly licensed to permit "Go Cup" sales, subject to the specific regulations of the "Go Cup" Ordinance.
- ix. In no event shall any mobile pushcart or mobile food vehicle display/signage or accessory device be located inside any public building or structure.
- x. Mobile food vendors are responsible for all waste and trash removal. The containment area must be kept clear of grease, trash, paper, cups or cans associated with the operation. No liquid waste or grease is to be disposed of in tree pits or onto sidewalks, streets, or other public places; nor shall it be disposed of in drains or sanitary sewers.
- xi. The mobile food vendor shall not provide stands, shelves, bins, equipment, signs, covers, or any kind of accessory or feature unless the same was accurately described and included in the application, and was fairly included in the picture or other graphics required as part of the application.
- xii. During the hours of operation, the permit holder shall provide a trash receptacle for use by customers located adjacent to the mobile pushcart or mobile food vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic.
 - a. The mobile food vendor shall contain all refuse, trash and litter within the mobile food vehicle.
 - b. The vendor shall be responsible for the proper disposal of such refuse, trash, and litter, and shall place it in the public trash container, or in any private container with proper permission.
 - c. The vendor is responsible for all litter and trash within 15 feet of the mobile pushcart or mobile food vehicle at any time the vendor is selling or offering to sell any merchandise or service.
- xiii. The mobile pushcart or mobile food vehicle must have self-contained utilities and shall not use the city's utilities or private utilities that are not self-contained and integral to the vendor unit.
 - a. If the mobile food vehicle utilizes a generator, it shall be in compliance with the City of Ridgeland noise ordinance.
- xiv. No speakers or other noise production devices are allowed.
- xv. No mobile food vendor shall sell or attempt to sell any item to the occupant of any motor vehicle, unless it is parked in a lawful parking space.

- xvi. Mobile pushcarts and mobile food vehicles must comply with all local, state, and federal rules regarding sanitation and protection of food from airborne contamination.
- xvii. Every mobile food vendor shall keep records utilizing generally accepted accounting practices for the purposes of compliance with all federal, state and local tax laws.
- xviii. All approved mobile pushcarts and mobile food vehicles must collect the additional one percent sales tax required by all food providers in the City of Ridgeland, along with all other tax and licensing fees required by the State of Mississippi.
- xix. All mobile food vendors shall remit all sales tax collections to the Mississippi Department of Revenue.
- xx. All approved mobile pushcarts and mobile food vehicles must be licensed businesses within the City of Ridgeland with all operations pertinent to the mobile pushcart or vehicle operated within the City of Ridgeland.
- xxi. All mobile pushcarts and mobile food vehicles must be issued a State tax number by the Mississippi Department of Revenue designating them as a City of Ridgeland business.

Sec. 22-208. - Design standards.

- (a) All mobile pushcarts and mobile food vehicles must meet the following design standards:
 - i. All mobile pushcarts and mobile food vehicles must be self-contained. This requires that the pushcart or food vehicle is not connected or attached to any building or structure, and does not receive power from any building by means of wires, hoses, or other connections.
 - ii. The appearance of the mobile pushcart or mobile food vehicle must be attractive as determined by the Architectural Review Board and must be maintained accordingly while the Permit is valid and the Mobile Food pushcart or vehicle is in operation in the City of Ridgeland.
 - iii. Umbrellas or canopies must be attached to the pushcart or vehicle and must not exceed nine feet in height above grade. Maximum diameter of canopies and umbrellas shall not exceed six feet and shall not interfere with pedestrian movement. No mobile pushcart or mobile food vehicle shall have more than two umbrellas.
 - iv. All signage on mobile pushcarts and mobile food vehicles shall comply with the City of Ridgeland Sign Ordinance. No free standing signage is permitted.
 - v. Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.
 - vi. Mobile food vendors may place a maximum of three coolers within their containment area so long as the coolers are neatly stacked to avoid visual clutter.
 - vii. No accessory container shall be more than three feet from the unit.
 - viii. Accessory containers must be made of hard substances such as hard plastic or a metal and may not be made by expanded polystyrene plastic, paper, paperboard, or cardboard.

- ix. Mobile pushcarts and mobile food vehicles may not be stored, parked or left overnight, except at the commissary.

Sec. 22-209. Ice Cream Trucks.

- (a) All ice cream trucks are required to purchase a Transient Vendors license from the City of Ridgeland City Clerk's Office.
- (b) An ice cream truck shall not be required to apply for a Food Vendor Permit, unless and except it wishes to be operated at a stationary location. If ice cream trucks operate at a stationary location, they are subject to the regulations of this ordinance the same as Mobile Food Vehicles. Ice cream trucks that do not operate in a stationary location are exempt from the regulations of this Ordinance with the exception of Section 22-209 (c).
- (c) Except as herein provided, it shall be unlawful for any ice cream truck, while engaged in the business of selling, to stop or stand or permit or suffer any vehicle to do so upon any street of the city except during the actual sale of its ice cream product. In no event shall an ice cream truck be or remain upon any street or sidewalk longer than is reasonable to conduct a sale; such time will not exceed 30 minutes.

Sec. 22-210.- Violations and penalties.

All mobile food vending must be performed in compliance with this Ordinance. Failure to abide by said ordinance shall result in the following:

- (a) A fine not exceeding \$150.00 for a first violation.
- (b) A fine not exceeding \$250.00 for a second violation within one year of any prior violation.
- (c) A fine not exceeding \$500.00 for a third or more violation within one year of the first.

Any offense shall be considered a misdemeanor and any person violating this Article is subject to being cited by any authorized law enforcement official in the City of Ridgeland or with authority to do so in the City of Ridgeland.

Violation of this Article may result in the suspension or revocation of any city permit or license issued to the owner or operator of the mobile pushcart or mobile food vehicle.

Each day on which an infraction of the ordinance occurs shall be considered a separate and distinct violation.

SECTION II. REPEALING CLAUSE

All other ordinances or parts of other ordinances which may be found to be in conflict with the language provisions contained herein shall be, and the same are hereby, repealed.

SECTION III. EFFECTIVE DATE

All ordinances shall take effect and be in force as provided by law.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting of the governing authorities of the City of Ridgeland Mississippi on

Motion of Alderman Chuck Gautier, seconded by Alderman Ken Heard, and the roll being called, the same by the following votes:

| | | |
|------------------------|-------|----------------|
| Alderman D.I. Smith | voted | <u>AYE</u> |
| Alderman Ken Heard | voted | <u>AYE</u> |
| Alderman Chuck Gautier | voted | <u>AYE</u> |
| Alderman Kevin Holder | voted | <u>ABSENT</u> |
| Alderman Brian Ramsey | voted | <u>AYE</u> |
| Alderman Bill Lee | voted | <u>AYE</u> |
| Alderman Wes Hamlin | voted | <u>NO VOTE</u> |

APPROVED, this day the 6th of November, 2018.

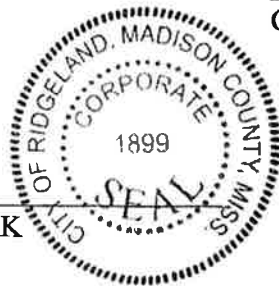


GENE F. MCGEE, MAYOR

ATTEST:



PAULA TIERCE, CITY CLERK





RIDGELAND MOBILE FOOD VENDING APPLICATION



Date Submitted: []

Contact Information:

Owner Name: [] E-mail Address: []
Mailing Address: [] Gov. Issued ID: []
Physical Address: [] Phone Number: []
City and State: []

Title:

Valid privilege license of a restaurant or commissary: [] Yes [] No
Address of restaurant or commissary: []
Ridgeland State Tax ID [] Mississippi Department of Health Permit [] Yes [] No

Description of Mobile Pushcart or Food Vehicle

[]

Photographs of all sides of mobile pushcarts or mobile food vehicle [] Attached

Copy of photo ID [] Attached

Site Plan [] Attached

Valid Insurance [] Attached

Valid Lease or Letter for Private Site [] Attached

List of products sold:

[]

All of the above must be attached to this application for review by city officials.

Have you or anyone that will be working for you ever been convicted of a felony charge: [] No

[] Yes Date: [] Jurisdiction: [] Court: []

Disposition: []

List any and all Misdemeanors and violations directly or indirectly related to food, food permit operations, and /or business operations, related to the applicant or any principal of the applicant:

List or any additional information required by law, rule, or ordinance, or that any department of the city, Mayor and Board of Alderman, or the permit applicant reasonably deems appropriate to assist the city in determining whether the permit should be granted.

The undersigned certifies that the information provided in this application is true and correct and hereby covenants and agrees to indemnify, defend, save, and hold harmless the City of Ridgeland, Mississippi, and its agents, officials, officers, and employees from and against any and all claims, injuries, losses, liabilities, damages, charges, costs, and expenses (including reasonable attorneys' fees and costs), whether suffered by the undersigned or any other person (including the City of Ridgeland, its agents, or employees), which may occur on the property of the City of Ridgeland or elsewhere, on account of or by reason of any matters which arise during, or from, the issuance of the food truck permit described herein or which may materially affect the issuance of the food truck permit described herein.

Applicant Signature

For Office Use Only:

Application Approved: Yes No

Date Approved:

Reviewed By:

Signature

Notes: