

Hilda D. Curry
Mayor



Cynthia Tobey-Babineaux
Tax Collector

FEE - \$225

FEE - \$225

MOBILE FOOD UNIT CHECKLIST

Before any permit can be issued, the applicant must have:

- Certified copy of the certificate of incorporation issued by the LA Sec. of State if applicant is incorporation under the laws of the State of Louisiana.
- Certified copy of the certificate of organization issued by the LA Sec. of State if a limited liability company organized under the laws of the State of Louisiana.
- Certified copy of the certificate of authority issued by the LA Sec. of State if the applicant is a corporation incorporated, or a limited liability company organized, under the laws of a state other than Louisiana.
- Certified copy of the certificate of registry if the applicant is a partnership.
- Certificate(s) showing the applicant is registered with the LA Dept. of Revenue and local tax collection agencies.
- Written permission from property/business owner for usage of parking site.
- Design drawing of the Mobile Food Unit
- Written statement that the applicant has not been convicted of a felony under the laws of the United States, this state, or another state or country within two years prior to filing said application.
- Certificate of insurance not less that \$300,000 per unit and not less than \$50,000 for property damage. The City of New Iberia shall be named as an additional insured and the policy shall include a rider providing that the policy will not be cancelled without 15 days written notice to the City.
- HOLD HARMLESS AGREEMENT**

The City of New Iberia

INSURANCE AND HOLD HARMLESS CLAUSE:

The applicant is required to maintain a minimum of \$300,000 liability insurance coverage during the entire time that the mobile unit is permitted. The City of New Iberia shall be listed as "Additional Insured" on the Certificate of Insurance. The vendor hereby agrees to indemnify and hold harmless the City of New Iberia, Louisiana, its agents, public officials, officers, employees and authorized volunteers, from and against any and all legal actions, claims, damages, losses, expenses arising out of the permitted activity or any activity associated with the conduct of the mobile food operation, including but not limited to claims for personal or bodily injury, disease or death, or injury to or destruction of property, excluding claims caused by the willful commission or omission by employees of the City of New Iberia, Louisiana and any of its agents, public officers, officials or employees and authorized volunteers for any attorneys fees and court costs incurred or to be incurred in defending any actions brought against them as a result of the owner's use of public property or operation of the mobile unit as set forth in the application.

LIABILITY WAIVER:

The owner agrees for itself and/or its employees, agents, or volunteers associated or to be associated with the mobile food unit for which the permit is being sought, to waive and relinquish all claims that may result in any manner against the City of New Iberia, Louisiana, its agents, public officers, officials, or employees and authorized volunteers from said owner, except for acts caused by the willful and wanton misconduct by employees of the City of New Iberia, Louisiana acting within the scope of their employment.

AUTHORIZED SIGNATURES:

I hereby attest that I am authorized to bind the employees, agents, or volunteers associated or to be associated with the activity for which the permit is being sought, to the terms of this agreement. I have read and understand all regulations and requirements outlined herein. I/we hereby agree to meet all requirements for documentation, certification, licensing, financial responsibility and all other aspects of staging a Mobile Food Unit. I/we understand that our lack of meeting all requirements outlined herein may result in the denial or cancellation of the proposed Mobile Food Unit. Permit applied for and all terms and stipulations agreed to be:

_____ Name (please print)	_____ Signature
_____ Signatory Title (if applicable)	_____ Date

Sheriff notified: _____ School Board Notified: _____

FOR OFFICE USE ONLY

APPROVED <input type="checkbox"/>	DENIED <input type="checkbox"/>	PENDING <input type="checkbox"/>	
PAID:	CASH:	CHECK#:	NOT PAID:
ISSUED BY:	DATE ISSUED:		

ATTACH A COPY OF THE OWNER'S DRIVER'S LICENSE



**City of New Iberia
Occupational License Application**

Mail to: TAX OFFICE – OCCUPATIONAL LICENSE DIV.
CITY HALL – SUITE 304
457 EAST MAIN STREET
NEW IBERIA, LA 70560-3700

Please PRINT or Type all information on the form. You must complete an application for each business location. For assistance, call 337-369-2341 or visit the office at the above address. (Some requests can be faxed to 337-373-3113)

1	A. TRADENAME		B. AREA CODE - PHONE NUMBER				
	C. TRADENAME/DBA:		D. DRIVER'S LIC. NO.:				
	E. LOCATION:		F. CITY STATE ZIP CODE+ DIGIT FOUR				
2	MAILING ADDRESS- QTY - STATE - ZIP CODE						
3	TYPE OF ORGANIZATION	PLEASE CIRCLE ONE	INDIVIDUAL	CORPORATION	PARTNERSHIP	GOVERNMENTAL	LLC
4	IF SOLE OWNER (INDIVIDUAL) NAME						
5	NAME/TITLE OF OFFICERS OR PARTNERS	NAME		TITLE		CELL	
		NAME		TITLE		CELL	
6	IF CORPORATION: NAME OF CORPORATION			7	IS YOUR STORE PART OF A CHAIN? ____ YES ____ NO		
	STATE & PARISH/COUNTY OF INCORPORATION				IF YES PLEASE REFER FOR THE CHAINSTORE CHART TO DETERMINE FEES		
	NAME AND ADDRESS OF REGISTERED AGENT						
8	DATE BUSINESS STARTED AT THIS LOCATION		9	REASON FOR APPLYING	<input type="checkbox"/> STARTED A NEW BUSINESS		<input type="checkbox"/> OTHER (SPECIFY):
	MONTH	DAY			YEAR	<input type="checkbox"/> PURCHASED GOING BUSINESS	
					NAME OF PREVIOUS OWNER		
			NAME OF BUSINESS PURCHASED:				
10	DESCRIBE WHAT IS BEING SOLD OR TYPE OF BUSINESS RENDERED:						

I AGREE TO ABIDE BY THE LIMITATIONS OF THE APPROPRIATE DEPARTMENT LISTED BELOW. I UNDERSTAND APPROVAL IS CONTINGENT UPON COMPLYING WITH LIMITATIONS STATED BELOW, AND FAILURE TO COMPLY COULD RESULT IN PENALTIES OR LICENSE BEING REVOKED. I ALSO AGREE TO COMPLY WITH OFF-STREET PARKING ORDINANCES AND CONFORM TO REQUIREMENTS OF THE COMPREHENSIVE ZONING, TECHNICAL AND FIRE CODES ADOPTED BY THE CITY OF NEW IBERIA AND THE STATE OF LOUISIANA. _____ (INITIAL)

IF ALL INFORMATION IS CORRECT, PLEASE SIGN AND RETURN.

NAME: _____ DATE: _____

DEPT. OF ZONING APPROVED (337-369-2354)	RESTRICTIONS/REMARKS _____	BY: _____	DATE _____
ZONE _____	NON-CONFORMING USE _____	LOCATION TYPE (CIRCLE ONE)	
RESIDENTIAL BUSINESS _____	CLASS A _____ CLASS B _____	RESIDENTIAL _____ COMMERCIAL _____	
FIRE DEPARTMENT: (337-369-2370)	RESTRICTIONS/REMARKS _____	BY: _____	DATE _____
BOARD OF HEALTH: (337-373-0021)	RESTRICTIONS/REMARKS _____	BY: _____	DATE _____

PAID: _____	CASH: _____	CHECK#: _____	NOT PAID: _____
NUMBER ISSUED: _____	BUSINESS CLASSIFICATION: _____	DATE ISSUED: _____	

ANY RESTRICTION – BUSINESS LICENSE MUST BE PICKED UP AT THE CITY TAX OFFICE

SIGN: _____

OCCUPATIONAL LICENSE – WASTEWATER QUESTIONNAIRE

Applicant's Name: _____ Phone Number _____

Business Name: _____

Business Address: _____

1. Type of Business (Check) Industrial Commercial Professional Other (Specify):
 a. If your facility employs or will be employing processes in any of the industrial categories or business activities listed below (regardless of whether they generate wastewater, waste sludge, or hazardous waste), place a check beside the category of business activity (check all that apply to your facility). If you have any questions regarding how to categorize your business activity, contact the City of New Iberia Wastewater Department (369-2367) for technical guidance.

- | | |
|--|--|
| <input type="checkbox"/> 40 CFR Part 405 – Dairy Products Processing | <input type="checkbox"/> 40 CFR Part 423 - Steam Electric Power Generating |
| <input type="checkbox"/> 40 CFR Part 406 - Grain Mills Manufacturing | <input type="checkbox"/> 40 CFR Part 424 - Ferroalloy Manufacturing |
| <input type="checkbox"/> 40 CFR Part 407 - Canned and Preserved Fruits and Vegetables | <input type="checkbox"/> 40 CFR Part 425 - Leather Tanning and Finishing |
| <input type="checkbox"/> 40 CFR Part 408 - Canned and Preserved Seafood Processing | <input type="checkbox"/> 40 CFR Part 426 - Glass Manufacturing |
| <input type="checkbox"/> 40 CFR Part 409 - Sugar Processing | <input type="checkbox"/> 40 CFR Part 427 - Asbestos Manufacturing |
| <input type="checkbox"/> 40 CFR Part 410 - Textile Mills | <input type="checkbox"/> 40 CFR Part 428 - Rubber Manufacturing |
| <input type="checkbox"/> 40 CFR Part 411 - Cement Manufacturing | <input type="checkbox"/> 40 CFR Part 429 - Timber Products Processing |
| <input type="checkbox"/> 40 CFR Part 412 – Feedlots | <input type="checkbox"/> 40 CFR Part 430 - Pulp, Paper, and Paperboard |
| <input type="checkbox"/> 40 CFR Part 413 – Electroplating | <input type="checkbox"/> 40 CFR Part 432 - Meat Products |
| <input type="checkbox"/> 40 CFR Part 414 - Organic Chemicals, Plastics, and Synthetic Fibers | <input type="checkbox"/> 40 CFR Part 433 - Metal Finishing |
| <input type="checkbox"/> 40 CFR Part 415 - Inorganic Chemicals Manufacturing | <input type="checkbox"/> 40 CFR Part 434 - Coal Mining and Processing |
| <input type="checkbox"/> 40 CFR Part 417 - Soap and Detergent Manufacturing | <input type="checkbox"/> 40 CFR Part 435 - Oil and Gas Extraction |
| <input type="checkbox"/> 40 CFR Part 418 - Fertilizer Manufacturing | <input type="checkbox"/> 40 CFR Part 436 - Mineral Mining and Processing |
| <input type="checkbox"/> 40 CFR Part 419 - Petroleum Refining | <input type="checkbox"/> 40 CFR Part 437 - Centralized Waste Treatment |
| <input type="checkbox"/> 40 CFR Part 420 - Iron and Steel Manufacturing | <input type="checkbox"/> 40 CFR Part 438 – Metals Products & Machinery |
| <input type="checkbox"/> 40 CFR Part 421 - Nonferrous Metals Manufacturing | <input type="checkbox"/> 40 CFR Part 439 - Pharmaceutical Manufacturing |
| <input type="checkbox"/> 40 CFR Part 422 - Phosphate Manufacturing | <input type="checkbox"/> 40 CFR Part 440 - Ore Mining and Dressing |
| <input type="checkbox"/> 40 CFR Part 442 - Transportation Equipment Cleaning | <input type="checkbox"/> 40 CFR Part 459 - Photographic |
| <input type="checkbox"/> 40 CFR Part 443 - Paving and Roofing Materials | <input type="checkbox"/> 40 CFR Part 460 - Hospitals |
| <input type="checkbox"/> 40 CFR Part 444 - Waste Combustors | <input type="checkbox"/> 40 CFR Part 461 – Battery Manufacturing |
| <input type="checkbox"/> 40 CFR Part 445 – Landfills | <input type="checkbox"/> 40 CFR Part 463 – Plastic Molding & Forming |
| <input type="checkbox"/> 40 CFR Part 446 - Paint Formulating | <input type="checkbox"/> 40 CFR Part 464 – Metal Molding & Casting |
| <input type="checkbox"/> 40 CFR Part 447 - Ink Formulating | <input type="checkbox"/> 40 CFR Part 465 - Coil Coating |
| <input type="checkbox"/> 40 CFR Part 451 – Concentrated Animal Feeding Operations | <input type="checkbox"/> 40 CFR Part 466 - Porcelain Enameling |
| <input type="checkbox"/> 40 CFR Part 454 - Gum and Wood Chemicals | <input type="checkbox"/> 40 CFR Part 467 - Aluminum Forming |
| <input type="checkbox"/> 40 CFR Part 455 – Pesticides | <input type="checkbox"/> 40 CFR Part 468 - Copper Forming |
| <input type="checkbox"/> 40 CFR Part 457 - Explosives Manufacturing | <input type="checkbox"/> 40 CFR Part 469 - Electrical and Electronic Components |
| <input type="checkbox"/> 40 CFR Part 458 - Carbon Black Manufacturing | <input type="checkbox"/> 40 CFR Part 471 - Nonferrous Metals Forming and Metal Powders |

2. Brief Description of Business Operations (include a separate sheet of paper, if needed) : _____

A. Does your business serve food? YES NO If Yes, do you have a grease trap? YES NO

B. Does your business wash vehicles? YES NO If Yes, what parts of the vehicles do you wash:
 Outside Inside Engine Other (specify): _____

C. Does your business use photo-processing and/or x-ray equipment? YES NO
 If Yes, what type of process is used? WET (Uses developer & fixer) DRY (Digital)

3. Indicate applicable North American Industry Classification System (NAICS) code(s) and/or Standard Industrial Classification (SIC) code(s) for all business processes: codes may be found at www.census.gov/epcd/www/naics.html _____

4. Drinking water sources: LAWCO Private Well Other, specify provider _____

5. Types of wastewater produced at the facility (Check all that apply):

- a. Domestic (sanitary sewage)
- b. Industrial/Process (water used in industrial process, production, manufacturing, etc.)
- c. Wash Water (Excluding Handwashing)
- d. Other (Specify): _____

6. Method(s) of wastewater discharge/disposal (Check all that apply):

- a. Domestic: City Sewer System Private Septic Tank & Leaching
 Other (Specify): _____
- b. Industrial/Process: City Sewer System Private Septic Tank & Leaching Ditch Discharge
 Haul off-site (Identify): _____
 Other (Specify): _____
- c. Wash Water Used for Washing Equipment, Vehicles, Floors, etc. (Excluding Handwashing):
 City Sewer System Private Septic Tank & Leaching Ditch Discharge
 Haul off-site (Identify): _____
 Other (Specify): _____
- d. Other: City Sewer System Private Septic Tank & Leaching Ditch Discharge
 Haul off-site (Identify): _____

7. Does facility have any mercury sources? YES NO Is the facility working towards becoming mercury free? YES NO

8. Is there any waste water treatment practices proposed for this facility? Yes, (Specify Type: ex. Oil/water separator) No

9. Other Permits: List all existing or pending Federal (EPA), State (DEQ) or local environmental permits and the permit numbers for the facility. Types of permits include: air, hazardous waste, underground injection, solid waste, NPDES (for surface and storm water discharge), etc.

CERTIFICATION

I certify that this document and all attachments were prepared by me and that the information submitted is, to the best of my knowledge and belief, true, accurate and complete.

Name: _____

(Print)

Signature: _____

Date: _____

ORDINANCE NO. 2013-5

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF NEW IBERIA AMENDING THE CITY OF
NEW IBERIA CODE OF ORDINANCES BY ENACTING SECTIONS 75-01 THROUGH 75-15
REGARDING MOBILE FOOD UNITS AND OUTDOOR MERCHANDISE DISPLAY

BE IT ORDAINED by the City Council for the City of New Iberia:

WHEREAS, the City Council for the City of New Iberia has determined that it is in the interest of health, safety and welfare of the general public to establish a uniform set of rules and regulations for Mobile Food Units; and

WHEREAS, the City Council for the City of New Iberia desires to develop an outdoor vending system that will enhance the overall appearance and environment in the City of New Iberia; and

WHEREAS, the City Council for the City of New Iberia desires to provide economic development opportunities to small entrepreneurs in New Iberia; and

~~WHEREAS, the City Council for the City of New Iberia desires to promote stable vendors who will enrich New Iberia and be assets to public security; and accordingly~~

BE IT FURTHER ORDAINED by the City Council for the City of New Iberia:

SECTION 1: All of the foregoing "Whereas" clauses are adopted and incorporated in this ordinance.

SECTION 2: Chapter 75, Sections 75-01 through 75-15 of the City of New Iberia Code of Ordinances, "Mobile Food Units and Outdoor Merchandise Display" are hereby enacted to read as follows:

CHAPTER 75-MOBILE FOOD UNITS AND OUTDOOR MERCHANDISE DISPLAY

ARTICLE 1. - IN GENERAL

Sec. 75-01. - Territorial applicability.

Sec. 75-02. - Definitions.

Sec. 75-03. - Exceptions.

Sec. 75-04. - Application generally.

Sec. 75-05. - Instruments to accompany application.

Sec. 75-06. - Fees; duration.

Sec. 75-07. - Liability and insurance.

Sec. 75-08. - Issuance.

Sec. 75-09. - Renewal.

Sec. 75-10. - Display.

Sec. 75-11. - Transferability.

Sec. 75-12. - Mobile Food Unit locations-Private Property.

Sec. 75-13. - Mobile Food Unit locations-Public Property.

Sec. 75-14. - No vested rights in license or permit.

ARTICLE 2. - PERMITTED ACTIVITIES

Sec. 75-16. - Mobile Food Units.

Sec. 75-01. - Territorial applicability.

Except as otherwise provided in this article, the provisions of this article apply only in the city limits.

Sec. 75-02. - 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:~~

Law enforcement officer means an employee of the Iberia Parish Sheriff's Office, Louisiana State Police or the Marshal and deputy marshals of the City Court of New Iberia whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of the State of Louisiana.

Permit means an official document issued by the tax department authorizing the operation of a Mobile Food Unit, reflecting the correct name and address of the permit holder to whom the permit is issued, and reflecting the location and type of the permitted activity.

Permit holder means the person to whom a permit is issued.

Permitted activity means the operation of a Mobile Food Unit with a permit.

Mobile Food Unit means a food service establishment that is vehicle-mounted or wheeled and is capable of being readily moveable.

Sale, sell or selling means the lending or exchange of merchandise, including food and beverages, or services for money, and shall include the lending or exchange of merchandise, including food and beverages, for discretionary monetary donations.

Sidewalk means the paved pedestrian walkway adjacent to a roadway and constructed or maintained by the city-parish consolidated government, whether on public or private property.

Special events means organized special events or activities sponsored and/or produced by governmental or quasi-governmental organizations that are of general public interest and are open to public attendance, including, but not limited to, Mardi Gras, Sugarcane Festival, Gumbo Cook-off, Spanish Festival and other events as determined by the City of New Iberia.

Sec. 75-03. - Exceptions.

None of the requirements of this article for permits shall apply to Mobile Food Unit or outdoor merchandise display areas that are incorporated into a special event by a special event organizer.

Permits issued for Mobile Food Unit under the provisions of this article shall be temporarily suspended at locations designated for special events. Permit holders may, however, apply to continue their operation during the special event pursuant to the procedures set up by a special event organizer.

Sec. 75-04. - Application generally.

Application for a permit required by this division shall be made to the Tax Collector. The guidelines and standards established by the sidewalk vendor committee shall be included with the application.

The application shall be in such form as prescribed by the Tax Collector. That form shall include, but not be limited to, the following information:

- (1) The full name, address, telephone number and tax identification number of the applicant.
- (2) The physical location of the permitted activity.
- (3) The type of permitted activity.
- (4) If the applicant is a corporation, partnership, limited liability company, firm or other legal entity of any type other than a natural person, the names and addresses of all officers, partners, members, principals and/or registered agents.
- (5) ~~The full name, address, telephone number and tax identification number of all assistants, associates or employees who shall be employed by the applicant.~~

The applicant or permit holder must notify the Tax Collector within ten days of any change to the information provided under this section.

Sec. 75-05. - Instruments to accompany application.

Before any permit shall be issued, the application must be accompanied by:

- (1) A certified copy of the certificate of incorporation issued by the Louisiana Secretary of State if the applicant is incorporated under the laws of the State of Louisiana.
- (2) A certified copy of the certificate of organization issued by the Louisiana Secretary of State if the applicant is a limited liability company organized under the laws of the State of Louisiana.
- (3) A certified copy of the certificate of authority issued by the Louisiana Secretary of State if the applicant is a corporation incorporated, or a limited liability company organized, under the laws of a state other than Louisiana.
- (4) A certified copy of the certificate of registry if the applicant is a partnership.
- (5) Certificate(s) showing the applicant is registered with the Louisiana Department of Revenue and local tax collection agencies.
- (6) If the permitted activity is a Mobile Food Unit design drawings and specifications of the Mobile Food Unit.
- (7) If the permitted activity is an outdoor merchandise display area, design drawings and/or photographs, and specifications for all elements of the outdoor merchandise display area equipment and the location of such equipment proposed for placement upon the sidewalk.
- (8) If the permitted activity is a Mobile Food Unit, a written statement that the applicant has not been convicted of a felony under the laws of the United States, this state, or another state or country within two years prior to filing said application.

The applicant or permit holder must notify the customer service division within ten days of any change to the information provided under this section.

Sec. 75-06. - Fees; duration.

For each permit issued hereunder, the applicant shall pay a fee to the City of New Iberia pursuant to the table below:

	Application fee	Permit fee	Renewal fee
Mobile Food Unit	\$25.00	\$200.00	\$200.00
Outdoor merchandise display area	\$25.00	\$200.00	\$200.00

Permits issued hereunder shall be valid from January 1 through December 31 of the year in which they are issued. Permits issued after January 1 of any given year shall be valid only through December 31 of that year. The permit fee shall not be prorated. Application fees are nonrefundable.

Sec. 75-07. - Liability and insurance.

- (a) There shall be no liability on the part of the City of New Iberia or upon any of its officers, agents or employees for any damage sustained by the permit holder from any cause whatsoever.
- (b) Prior to the issuance of a permit, the applicant shall furnish the tax department with a signed and notarized statement that the permit holder shall hold harmless the City of New Iberia, and the officers, agents and employees of same and shall defend and indemnify the City of New Iberia, and the officers, agents and employees of same for any claims, including claims brought through or under the permit holder by way of subrogation, for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. This statement shall be in the form prescribed by the city attorney.
- (c) Each permit holder shall, at his own expense, maintain in full force and effect a general liability insurance policy with limits of not less than \$300,000.00 covering the permitted activity and public liability limits of not less than \$50,000.00 for property damage. The certificate of insurance shall be on file with the tax department and maintained current at all times, it shall name the City of New Iberia as an additional insured and the policy shall include a rider providing that the policy will not be cancelled without 15 days written notice to the City. In the event that the required insurance coverage is cancelled, materially changed or expires, the permit shall be immediately suspended as of the date of such cancellation, material change or expiration.
- (d) The insurance policy required under this section may be the same insurance policy providing insurance coverage for the retail shop operating an outdoor merchandise display area, so long as the outdoor merchandise display area are covered by the insurance policy.

Sec. 75-08. - Issuance.

The tax department of the City of New Iberia shall issue a permit only if the application meets the guidelines and standards established herein and such applicant has fully complied with all of the provisions of this division, including the payment of all fees.

An applicant for, or holder of, a permit issued hereunder who is aggrieved by a decision of the tax department in denying an application for a permit may, within ten days of the notification of the decision, appeal to the City Council.

Sec. 75-09. - Renewal.

A permit issued hereunder may be renewed without making a new application upon submitting a renewal application stating that all information provided on the initial application is still correct and the permit holder is still in compliance with all requirements. The fee for the renewed permit shall be in accordance with the schedule in section 75-06. There shall be no limit on the number of renewals, except that the renewal may be refused if the permit holder fails to comply with any provision of this article or the guidelines and standards promulgated herein.

Sec. 75-10. - Display.

The permit issued hereunder shall be prominently displayed in a conspicuous place at or near the permitted activity and shall remain so displayed for so long as the permit holder engages in the permitted activity. The permit issued hereunder shall be produced and handed over immediately upon request to a law enforcement officer or the tax department, or its agent.

Sec. 75-11- Transferability.

The permit holder is the only person authorized to use the permit issued hereunder. The permit issued hereunder shall not be transferable from the permit holder to another person. The permit issued hereunder shall not be leased or subleased to another person.

Sec. 75-12. - Mobile Food Unit locations-Private Property.

Mobile Food Units are allowed to park on any private location provided they have written authorization from the property owner. Said written authorization shall be produced and handed over immediately upon request to a law enforcement officer or the tax department, or its agents.

Sec. 75-13. - Mobile Food Unit locations-Public Property.

Mobile Food Units are allowed to park on public property alongside any street where there are clearly marked parallel parking spots with the exception of any Louisiana State Highway. If parked in a spot in front of any commercial location, the Mobile Food Unit operator must provide the tax department with written permission from said commercial property owner allowing the Mobile Food Unit to operate from said parking spot. With the exception of special events Mobile Food Unit shall not be allowed to park in Boulligny Plaza or Silman Theatre parking lot. Permit holders are subject to relocation when their designated location is deemed to cause a hazard to public safety, sight distance, or vehicular congestion or other concerns by the City of New Iberia.

Sec. 75-14. - No vested rights in license or permit.

The City of New Iberia reserves the right to amend or repeal this article at any time, and no person shall have any vested rights to operate hereunder or to retain a permit or have a permit renewed. In the event the amendment or repeal of this article results in a permit being valid for less than its full term, the pro rata portion of the permit fee or renewal fee for the invalid portion of the term shall be refunded.

ARTICLE 2. - PERMITTED ACTIVITIES

Sec. 75-15. - Mobile Food Unit.

All Mobile Food Units and their operators shall meet the following requirements:

- (1) The Mobile Food Unit shall be covered with an appropriate material to prevent exposure of the food to wind, dust, insects and the elements. The Mobile Food Unit operator shall comply with all state and local health and other applicable regulatory agency requirements, including, but not limited to, the requirements for food preparation and service.
- (2) The Mobile Food Unit shall be set up only in the location set forth on the permit, and shall not impede, endanger or interfere with pedestrian or vehicular traffic.
- (3) The Mobile Food Unit shall not be stored, parked or left overnight on any public street or sidewalk or in any public parking space.
- (4) The Mobile Food Unit, and any item related to the operation of the Mobile Food Unit, shall not be attached, chained, or in any manner affixed to any tree, post, sign, parking meter or other fixtures, curb or sidewalk.
- (5) No item related to the operation of the Mobile Food Unit shall be placed on the street, sidewalk, public place or anywhere other than in or on the Mobile Food Unit.
- (6) The Mobile Food Unit shall have attached to it a proper container for the collection of waste and trash. The Mobile Food Unit operator shall be responsible for the proper disposal of waste and trash associated with the Mobile Food Unit operation. No grease, waste, trash or other debris from the Mobile Food Unit operation shall be deposited on or released onto public property, which includes streets, sidewalks or other public place, nor into the gutter or storm drainage system. The Mobile Food Unit operator shall keep the immediate area in a five-foot radius from the center of the Mobile Food Unit clean of garbage, trash, paper, cups, cans or litter associated with the Mobile Food Unit operation. Unless otherwise permitted by the City of New Iberia, a Mobile Food Unit operator shall not locate a container for the collection of waste and trash on the streets, sidewalks or public places, nor use city trash receptacles or other city waste disposal containers for the disposal of waste and trash associated with the Mobile Food Unit.
- (7) The Mobile Food Unit shall not have attached to it any bell, siren, horn, loudspeaker, flashing lights or any similar device to attract the attention of possible customers, nor shall the Mobile Food Unit operator use any such device to attract attention.
- (8) Mobile Food Unit operators shall not consume or be under the influence of alcohol or controlled substances while operating the Mobile Food Unit.
- (9) The Mobile Food Unit shall be operated only after 10:00 a.m. and not past 2:30 a.m.
- (10) The Mobile Food Unit operator shall be in attendance at the Mobile Food Unit at all times, except in case of an emergency.
- (11) The Mobile Food Unit operator shall comply with all federal, state and local laws when operating the Mobile Food Unit.
- (12) The permit may be suspended by the Tax Collector when necessary to clear sidewalk areas for a special event. The notification of suspension shall list the date, time and estimated duration of such suspension.
- (13) In the event of an emergency or in a situation where exigent circumstances arise, a Mobile Food Unit operator shall remove the Mobile Food Unit from the area when directed to do so by any law enforcement officer, fire official or emergency medical personnel.
- (14) The City of New Iberia may require the temporary removal of Mobile Food Unit when street, sidewalk, or utility repairs necessitate such action.

(15) The issuance of a Mobile Food Unit permit does not grant or infer vested rights to the use of the designated location by the permit holder.

(16) The Mobile Food Unit shall be prohibited from selling alcoholic beverages.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 4. If any clause, section or portions of this ordinance shall be declared illegal, null and void or unconstitutional by any court of competent jurisdiction, the remaining clauses, sections and portions shall remain in full force and effect, the provisions of this article or ordinance shall be severable.

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

YEAS: Natalie Robin, Peggy Gerac, Robert Suire, Dan Doerle, David Merrill, Raymond Lewis,
Calvin Begnaud

NAYS: None

ABSENT: None

And the resolution was declared adopted on the, the 2nd day of July 2013.

/s/ Hilda D. Curry

Hilda D. Curry, Mayor

/s/ Elmore P. Elledge

Elmore P. Elledge, City Clerk

The above is a true and correct copy of ordinance 2013-05 as adopted by the New Iberia Board of Trustees at a regular meeting held on July 2, 2013.


Elmore P. Elledge, City Clerk

Published July 11, 2013