

Ordinance No. 666

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING LICENSING AND OTHER REGULATIONS FOR MOBILE/STATIONARY VENDORS TO OPERATE AND/OR SELL FOOD, BEVERAGES OR MERCHANDISE IN THE CITY OF LONG BEACH, MISSISSIPPI AND PROVIDING FOR THE PENALTY FOR VIOLATION OF SUCH REGULATIONS, AND FOR RELATED PURPOSES.

WHEREAS, the current ordinances do not provide guidance concerning mobile/stationary vendors,

WHEREAS there is no regulation at the present time providing guidance where vendors may set up, time of operations, licensing, and other general conditions.

WHEREAS The governing body does find that such activities such as mobile/stationary vendors without some regulation creates a hazard to the public safety, particularly as to where and when such activities may be conducted and without requiring inspection for fire safety and Health Department inspection and licensing.

WHEREAS the governing authority does have the authority to adopt reasonable ordinances for the regulation of mobile/stationary vendors operating within the city.

WHEREAS the governing body finds that in order to protect and preserve the public safety it is necessary to provide guidance to our Building Department to license and regulate operations of mobile/stationary vendors.

Be it ordained by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, as follows:

Section 1. - Definitions.

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

Mobile vendor means any person who sells merchandise, food and/or beverages from a mobile pushcart, trailer, or motorized mobile food preparation vehicle.

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, beverages and/or merchandise 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 preparation vehicle means any moveable car, van, truck or trailer that includes a self-contained kitchen in which food is prepared, processed or stored and used to sell and dispense food to the consumer. The unit must be on wheels at all times. This definition does not include pushcarts, which is defined above..

Stationary Vendor means any person who sells merchandise, food, and/or beverages from a stationary table, vehicle, or stationary device.

Special Event: A special event is a one-time or infrequently occurring event outside normal programs or activities. A Special Event means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by Licensee. All special events must be approved by the Mayor and Board of Aldermen. After all requirements have been reviewed and signed off by required city Department Heads, certain fees may be waived by the Mayor and Board.

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 individual that is invited to cater an event or occasion and does not make individual sales of food and/or drinks to customers. Catering events are not subject to the mobile food vendor permit requirements.

Section 2. - Applicability.

This article shall apply to all mobile/stationary vendors licensed to sell merchandise, food and/or beverages within the City of Long Beach where permitted to do so.

The provisions of this Ordinance shall not apply to the following, however all permits or licenses that may be required by the Long Beach Code Office shall be obtained.

1. Civic and nonprofit organizations
2. Any general sale, fair, auction or bazaar sponsored by a church or religious organization;
3. Garage sales held on premises devoted to residential use;
4. Duly licensed flea markets operating from a fixed location;
5. Temporary peddlers license for parades and special events. (See section 3.A)
6. Certified Farmers Markets

Section 3. – Permits/License

Once a permit or license is approved, a designated color placard will be issued by the code office. The code office will coordinate with the Long Beach Police Department regarding the color of the placard. This placard must be placed on said vendor vehicle in plain sight for enforcement officials to see.

(A) Temporary Vendors license for parades and special events

1. Organizations and individuals desiring to peddle and/or sell food and/or other items at parades and/or certain special events (events limited to two (2) days in duration) may obtain a temporary vendors license by applying therefore as set forth in this ordinance.
2. The temporary license shall allow the holder to sell and/or peddle food and/or other items for a period of two (2) days consecutive at parades and/or special events.

3. The day that the temporary license is valid shall be marked on the face thereof by the city clerk. Vendors in possession of a temporary license may sell at any time during a parade or event and, where the event is held at night, until one hour after the close of the parade or event
4. Temporary Vendor license shall cost \$25.00 per event and is valid for (2) consecutive days. (Annual permits may be used to operate at special events). All Temporary Vendor License shall adhere to the following:
 - a. 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 shall be included.
 - b. A State tax identification number issued by the Mississippi Department of Revenue.
 - c. A food service permit from the Mississippi Department of Health, if required.
 - d. The permit must be submitted and approved 14 calendar days prior to the event.

(B) Mobile/Stationary Vendors Permit requirements (other than temporary license for parades and special events)

1. All mobile/stationary vendors shall obtain and maintain a City of Long Beach Privilege License and a Mobile Vending Permit for each mobile pushcart or mobile food preparation vehicle in operation. All applications for permit renewal shall be filed annually with the City of Long Beach Permit Office. The permit must be submitted and approved 14 days prior to the event.
2. 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. Permit applications shall contain the following information:
 - a. 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 shall be included.
 - b. A valid City of Long Beach Privilege license.
 - c. A food service permit from the Mississippi Department of Health.
 - d. All mobile pushcarts, mobile vendors, mobile food preparation vehicles and stationary vendors shall be issued a State tax number by the Mississippi Department of Revenue.
 - e. An approval from the City Fire Inspector.
 - f. A City of Long Beach Property Owner Consent form for each proposed location of operation.
 - g. A list of products to be sold.
 - h. Proof of a valid insurance policy that provides minimum liability coverage of \$1,000,000.00 per mobile food and/or beverage preparation vehicle, mobile pushcart, and merchandise vendor whether stationary or mobile with the city named as an additional insured.
 - i. If operating a mobile food preparation vehicle, proof of a valid vehicular insurance policy shall be provided to the City.
 - j.

- k. 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.
- l. 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, mobile food preparation vehicle or mobile/stationary vendor for which a permit is requested. This shall include all related response and follow up documents showing any results, findings or actions.
- m. 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 non-food, food, food preparation, permit operations, and/or business operations, related to the applicant or any principal of the applicant
 - iii. Such other additional information required by law, rule, or ordinance, or that any department of the City or Board of Aldermen, 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.
3. Mobile/Stationary Vending permits are \$325.00 per vehicle, cart or device which covers the administrative cost of processing the application and regulating each mobile pushcart or mobile/stationary vendor vehicle. Each permit is valid for 1 year
4. Permit holders may be required to remove private materials or accessories to allow utility access for emergency and maintenance operation or both.
5. The permit shall be displayed on the mobile pushcart or mobile/stationary vehicle/device at all times.
6. Permits are non-transferable.
7. A damaged or destroyed mobile pushcart, mobile vehicle or stationary device may be replaced if and only if approval for its replacement is obtained from the City Permit office. Any such replacement pushcart, vehicle or stationary device 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, vehicle or stationary device.
8. 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.
9. 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 Long Beach 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 Permit Office. 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.

Section 4. - Location and Operation.

Mobile pushcarts, mobile vehicles and stationary vendors shall conduct business on private property, in designated areas approved by the Long Beach Building Official and on certain designated public areas during approved parades, events or festivals. The Long Beach Building Official may limit the number of mobile/stationary vendors located in any one area.

The City Permit Office, Department of Planning, Department of Public Works and the Code Enforcement Officer 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 Long Beach Police and Fire Departments shall have concurrent authority to oversee locations and setup of mobile pushcarts and mobile/stationary vehicles. If an applicant is denied and wishes to appeal his grievance, he may request an order approving his application to the Board of Aldermen at a regular scheduled meeting and said item will be considered "approved or disapproved."

Mobile pushcarts and mobile/stationary vehicles/devices shall conform to the following regulations regarding location and operation:

1. Mobile pushcarts and mobile/stationary vehicles/devices must be located in accordance with approved permit at all times during operation.
 - a) Proof of said permission must be filed with the City Permit office.
2. A mobile Food Vendor licensed to operate in an approved district may operate Monday-Sunday between the hours of 8:00 a.m. and 10:00 p.m. A 2 hour extension may be granted by the code office during special events if warranted.
3. Area Cleanup is required and removal of the pushcart or vehicle shall be completed within 1 hour from closing.
4. Mobile pushcarts and mobile/stationary vehicles/devices must not be locked or attached to trees, garbage receptacles, or street furniture.
5. Mobile pushcarts and mobile/stationary vehicles/devices may not locate within 20 feet of any bus stop.
6. Mobile pushcarts and mobile/stationary vehicles/devices may not locate within any area which would block the view of traffic or traffic signals or traffic signs.
7. Mobile pushcarts and mobile/stationary vehicles/devices may not locate within ten feet of any fire hydrant.
8. The operators must be present at all times, unless in conjunction with an event.

9. Sales of goods are limited to food, beverage and merchandise.
10. The sale of alcoholic beverages is prohibited, unless approved by the Mayor and Board of Aldermen or their designee.
11. In no event shall any mobile pushcart or mobile/stationary vehicle/device display any device, or accessory container be located inside any public building or structure or at any place the general public is prohibited.
12. Mobile/Stationary 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.
13. The mobile/stationary 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.
14. 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 preparation vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic.
15. The mobile food vendor shall contain all refuse, trash and litter within the mobile food preparation vehicle.
16. The vendor shall be responsible for the proper disposal of such refuse, trash, and litter utilizing disposal facilities other than those provided by the City for public use.
17. The vendor is responsible for all litter and trash within 15 feet of the mobile pushcart or mobile food preparation vehicle at any time the vendor is selling or offering to sell any merchandise or service.
18. The mobile pushcart or mobile/stationary vehicle/device 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.
19. If the mobile/stationary vehicle utilizes a generator, it shall be in compliance with the City of Long Beach noise ordinance.
20. No speakers or other noise production devices are allowed.
21. No mobile/stationary 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.
22. Mobile pushcarts and mobile/stationary vehicles must comply with all local, state, and federal rules regarding sanitation and protection of food from airborne contamination.
23. Every mobile/stationary vendor shall keep records utilizing generally accepted accounting practices for the purposes of compliance with all federal, state and local tax laws.
24. All approved mobile pushcarts and mobile/stationary vehicles must collect or pay the applicable sales tax required by all food providers in the City of Long Beach, along with all other tax and licensing fees required by the State of Mississippi.
 - a) All mobile pushcarts and mobile/stationary vehicles must be issued a State tax number by the Mississippi Department of Revenue.

Section 5. - Design Standards.

- A. All mobile pushcarts and mobile food preparation vehicles must meet the following design standards:
 - 1. All mobile pushcarts and mobile food preparation vehicles must be capable of Independently providing all necessary utilities for operation in order to maintain compliance with all Mississippi Department of Health Codes.
 - 2. Umbrellas or canopies must be attached to the pushcart or vehicle and must not exceed eight 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 preparation vehicle shall have more than two umbrellas.
 - 3. All signage on mobile pushcarts and mobile food preparation vehicles shall comply with the City of Long Beach Sign Ordinance.
 - 4. Exterior lighting must be hooded or shielded so that the light source does not hinder traffic and is not directly visible to a residential area.
 - 5. 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.
 - 6. No accessory container shall be more than three feet from the unit.
 - 7. 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.
 - 8. Mobile pushcarts and mobile food preparation vehicles may not be stored, parked or left overnight on city property unless approved by the City Building Inspector and Board of Aldermen.

Section 6. - Violations and penalties.

- A. All mobile food vending must be performed in compliance with said ordinance. Failure to abide by said ordinance shall result in the following:
 - 1. A fine not exceeding \$300.00 for a first violation.
 - 2. A fine not exceeding \$500.00 for a second violation within 12 months of any prior violation.
 - 3. A fine not exceeding \$1,000.00 for a third or more violation within 12 months of the first.
- B. Any offense shall be considered a misdemeanor and is subject to being cited by any authorized law enforcement official in the City of Long Beach or with authority to do so in the City of Long Beach.
- C. 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 preparation vehicle.
- D. Each day on which an infraction of the ordinance occurs shall be considered a separate and distinct violation.
- E. All fines collected shall go to the City's general fund.

Section 7. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

EFFECTIVE DATE

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

The above ordinance having been first reduced to writing and read and considered section by section at a public meeting of the governing authorities of the City of Long Beach Mississippi on motion of Alderman McGoey, seconded by Alderman McCaffrey, and the roll being called, the same by the following votes:

Alderman Donal Frazer	voted	Aye
Alderman Patrick Bennett	voted	Aye
Alderman Bernie Parker	voted	Aye
Alderman Angie Johnson	voted	Aye
Alderman Timothy McCaffrey, Jr.	voted	Aye
Alderman Mike Brown	voted	Aye
Alderman Pete McGoey	voted	Aye

The above and foregoing, having received the majority vote of the City Council of the City of Long Beach, Mississippi, the Mayor declared the same carried and adopted, this the 7th day of November, 2023.

APPROVED:



GEORGE L. BASS, MAYOR

ATTEST:


STACEY DAHL, CITY CLERK

CITY OF LONG BEACH, Mississippi

**APPLICATION FOR MOBILE VENDING PERMIT
THIS APPLICATION MUST BE NOTARIZED.
PERMIT FEE: \$250 PER MOBILE VENDING UNIT PER YEAR**

APPLICANT INFORMATION (PLEASE PRINT)

Name: _____

Home Phone Number _____ Cell Phone Number: _____

E-mail address: _____

Physical Address: _____

(City)

(State)

(Zip Code)

Mailing Address _____

(City)

(State)

(Zip Code)

Social Security Number and/or Federal ID Number: _____

BUSINESS INFORMATION (PLEASE PRINT)

Name of Business: _____

Business Owner: _____

Business Address: _____

Business Telephone Number: _____ Business Fax Number: _____

State Tax ID Number: _____ Zoning Classification: _____

City of Long Beach Privilege License

Number: _____

MS Department of Health Food Service Permit
Number: _____

Location Applied For (Street Address or Description of
Location): _____

Vending Type: Mobile Push Mobile Food Vehicle

Stationary Vendor

CITY OF LONG BEACH, MISSISSIPPI

OWNER'S CONSENT FORM FOR MOBILE VENDOR OPERATION

BUSINESS INFORMATION (PLEASE PRINT)

Name of Business: _____

Business Owner: _____

Business Telephone Number: _____

City of Long Beach Mobile Food Vendor Permit Number: _____

Vending Type: Mobile Push Cart Mobile Food Vehicle

Stationary Vendor

PROPERTY OWNER INFORMATION (PLEASE PRINT)

Name of Property Owner: _____

Home Phone Number: _____ Cell Phone
Number: _____

E-mail address: _____

Physical Address: _____

_____, _____, _____
(City) (State) (Zip Code)

Zoning Classification: _____

Days of Operation: _____ to _____ Hours of Operation: _____ to _____

(Business Owner Signature)

(Date)

(Property Owner Signature)

(Date)

CITY OF LONG BEACH, Mississippi

**APPLICATION FOR MOBILE VENDING PERMIT
THIS APPLICATION MUST BE NOTARIZED.
PERMIT FEE: \$250 PER MOBILE VENDING UNIT PER YEAR**

Brief description of food and beverages to be sold:

Days of Operation: _____ to _____ Hours of Operation: _____ to _____

Number of Employees for Request Site: _____

PLEASE READ LONG BEACH CODE OF ORDINANCES No. _____

I, _____ hereby attest that the information provided above is true and accurate to the best of my knowledge and is submitted for the purpose of applying to the City of Long Beach for a Mobile Food Vending Permit. I agree to comply with the City of Long Beach policies and procedures as described in ORDINANCE _____ for obtaining a permit pursuant to the City of Long Beach Mobile Food Vending Ordinance. In the event that the permit is terminated, the Mobile Food Vending Permit is immediately suspended and all operations must cease.

SIGNATURE

DATE

Subscribed and sworn before me, this the _____ day of _____ 20__ .

My Commission Expires: _____

DATE

NOTARY PUBLIC

PLEASE COMPLETE THIS CHECKLIST BEFORE SUBMITTING THE APPLICATION:

- MS Department of Revenue Sales Tax Account Number
- MS Department of Health Food Service Permit
- Proof of a Valid Insurance Policy with a Minimum Liability Coverage of \$1,000,000
- City Fire Inspector Approval
- Property Owner Consent Form

C E R T I F I C A T E

**STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH**

I, the undersigned, Stacey Dahl, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #666 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 7th day of November, 2023, as the same appears of record in Ordinance Book #9, pages _____, inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 8th day of November, 2023.

(SEAL)



Stacey Dahl
Stacey Dahl, City Clerk