

**ORDINANCE # 493 AMENDING ORDINANCE # 490  
REGULATING MOBILE FOOD VENDORS WITHIN THE  
CITY OF FOREST**

**SECTION 1. DEFINITIONS**

The following words and phrases in this section shall have the meanings given, except where the context clearly indicates a different meaning:

**APPLICANT:** A Person applying to the City of Forest to operate as a Mobile Food Vendor.

**CUSTOMER:** Any Person to whom a Mobile Food Vendor sells food or beverage from a Food Vending Vehicle, and any Person who stops to contemplate conducting business with a Mobile Food Vendor.

**FOOD FACILITY PERMIT:** A Permit issued by the Mississippi Department of Health for Retail Food Facilities, including Mobile Food Units.

**FOOD VENDING VEHICLE:** Any motorized or non-motorized vehicle used to sell food or beverages by a Mobile Food Vendor.

**ICE CREAM TRUCK:** A motor vehicle in which prepackaged ice cream, popsicles, ice sherbets, and other frozen desserts of any kind and including non-prepackaged snow cones prepared on site or carried for the purpose of retail sale on the streets of the City of Forest whether stationary or mobile and does not include retail sale of other foods. The inclusion of other and/or hot foods would define the vehicle as a Mobile Food Vendor and all applicable rules for a Mobile Food Vendor would apply to such vehicles.

**MOBILE FOOD VENDOR:** Any person who dispenses food or beverages from a Food Vending Vehicle for immediate service and/or consumption, other than an Ice Cream Truck that is only selling prepackaged ice cream, popsicles, ice sherbets, and other frozen desserts of any kind and including non-prepackaged snow cones prepared on site or carried for the purpose of retail sale on the streets of the City of Forest.

**MOBILE PUSH CART:** Any non-motorized portable vending device, pushcart, or other wheeled vehicle or device which may be moved without the assistance of a motor.

**PERSON:** Any individual, group of individuals, firm, partnership, company, corporation, trustee, association, or any public or private entity, including the individual or entity's employees or agents.

**PREPACKAGED FOOD:** Any commercially labeled and processed food that is prepackaged to prevent direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.

**PRIVATE PROPERTY:** Any real or personal property that is not Public Property.

**PUBLIC PROPERTY:** Any property owned, leased to, or operated by the City of Forest.

**SELL:** (a.) To transfer or exchange for value, to expose or offer for sale or exchange, or to procure, store, keep or have in one's possession; and (b.) To control for the purpose of selling.

## SECTION 2. MOBILE FOOD VENDING LICENSING REQUIREMENTS

No Person may operate as a Mobile Food Vendor in the City of Forest without first obtaining and maintaining a valid and current Mobile Food Vending license under this chapter and any other licenses or permits that may be required by other applicable state or county laws.

A separate Mobile Food Vending license shall be required for each Food Vending Vehicle operated by a Mobile Food Vendor.

Any person that is found to be in violation of this Chapter, in addition to any fines or other criminal or civil punishment that may lawfully be imposed, may also be subject to having their Mobile Food Vending License suspended or revoked.

## SECTION 3. LICENSE APPLICATION AND GENERAL STANDARDS

A. APPLICATION REQUIREMENTS. Before any Person may engage in Mobile Food Vending in the City of Forest, such Person must first apply for and receive a License from the City of Forest. All such Applicants shall submit a written application to the City of Forest Code/Zone Department on a form provided by the City of Forest for a Mobile Food Vending license. The application shall contain the following information:

- 1) The name, mailing address, physical address, telephone number(s), and email address of the Applicant.
- 2) A valid City of Forest Privilege License.
- 3) A current food service permit from the Mississippi Department of Health.
- 4) A State tax number by the Mississippi Department of Revenue designating the Applicant as a City of Forest business, or if domiciled elsewhere, designating the City of Forest as an additional permitted location for reporting of all sales tax collected for sales in the City of Forest.
- 5) If a Mobile Food Vendor, an approval from the City Fire Marshal's Office.
- 6) A City of Forest Property Owner Consent form for each proposed location of operation on private property.
- 7) Written Proof of a valid general liability insurance policy that provides minimum liability coverage of \$500,000 per mobile vendor vehicle or pushcart, with the City of Forest named as an additional insured if mobile food vending is to take place on Public Property including road rights of way, and sidewalks.
- 8) If operating a Mobile Vehicle required to be licensed and registered by the Mississippi Department of Transportation, written proof of a valid vehicular insurance policy.
- 9) A written indemnity agreement that will hold harmless the City of Forest and all its directors, officers, employees, servants, contractors and assigns of and from any loss, liability or damage, including litigation costs and fees arising from any, bodily injury or property damage sustained by a Person as a result of the negligent installation, use, or maintenance of a permitted space by a Mobile Food Vendor.
- 10) Such other additional information required by law, rule, or ordinance, or that the Building/Zone or Fire departments of the City may in their discretion require from the Permit Applicant as they reasonably deem appropriate to assist the City in determining whether the permit should be granted.

B. REQUIREMENTS FOR EACH FOOD VENDING VEHICLE. In addition to the written Application, an applicant shall provide the following information for each Food Vending Vehicle:

- 1) A vehicle license number, vehicle description, vehicle identification number, and vehicle registration;
- 2) Proof of vehicle insurance for the Food Vending Vehicle(s); and
- 3) If the state or the City of Forest requires a special license or permit for commercial vehicles, a copy or proof of any additional licenses or permits required by the State or municipality for the Food Vending Vehicle



- C. REQUIREMENTS FOR FOOD VENDING VEHICLE DRIVERS. Any Person who drives a Food Vending Vehicle shall hold a current Class D level driver's license, as required by this state for food vending vehicles.
- D. REQUESTS FOR INFORMATION. Any Applicant shall complete the Application and submit additional information requested by the City of Forest Building/Zone Department as allowed by this section. The applicant may submit one application for all vehicles which require a license but shall pay a separate licensing fee for each vehicle. Failure of an Applicant to submit a complete Application shall result in the denial of a license.
- E. HEALTH INSPECTION/FOOD PERMIT. For the safe preparing, handling, and selling of food to the public, the applicant must successfully apply and be issued a Food Facility Permit from the Mississippi State Department of Health.
- F. SUBSTITUTION OF LICENSED FOOD VENDING VEHICLES. Licenses are not transferable. A license issued to an Applicant shall not authorize any person other than the Applicant to engage in the activities authorized by the license, except that the sale of a Food Vending Vehicle identified in a license application, when replaced by another Food Vending Vehicle on a one-for-one basis, will not invalidate the original license nor require a new license application.
- G. TRANSFER OF ASSETS. If a Mobile Food Vendor transfers its Mobile Food Vending business assets, the recipient of the assets shall not lawfully operate the Food Vending business unless said person shall first apply for and obtain a new Mobile Food Vending license from the City of Forest Code/Zone Department and obtain a Food Facility Permit from the Mississippi State Department of Health before their operation begins.
- H. FEES. The annual fee for each mobile food vending license is \$500, payable to the City of Forest.
- I. LICENSES SHALL BE RENEWED ANNUALLY. The licensee shall submit a renewal fee for the renewal annually, prior to September 30. A licensee may continue operations while an application for renewal is pending with the City of Forest.
- J. UNLAWFUL CONDUCT. It is unlawful for any person to intentionally provide false information or to intentionally omit information on an application for a license under this Chapter.
- K. APPLICATION GUIDE. An application guide and instructions on applying for, obtaining, maintaining, and renewing a Mobile Food Vending license can be obtained at the City of Forest Code/Zone Department.

#### SECTION 4. MOBILE FOOD VENDING VEHICLE OPERATIONS

- A. COMPLIANCE WITH ALL STATE AND LOCAL LAWS. Mobile Food Vendors operating within the City of Forest shall follow any applicable state and local laws, including, without limitation, all fire codes, zoning codes, occupational tax codes, and any other applicable state or local code provisions, whether referenced in this ordinance or not.
- B. LOCATION OF OPERATIONS. A Mobile Food Vendor may only operate in the following locations and shall not operate anywhere other than as specifically permitted herein:
  - 1) PUBLIC PROPERTY. Mobile Food Vending is only allowed on public property by Special Permit from the Mayor and City Council, or for special events with permission from the event organizer.
  - 2) PRIVATE PROPERTY. A mobile food vendor may operate on private property under the following circumstances.

- a. Mobile food vendors shall not park closer than 200 feet to any restaurant operating at a permanent fixed location unless the mobile food vendor obtains written consent from such restaurant waiving distance requirements.
- b. Mobile Food Vendors may operate only in commercial zoning districts C-2, C-2A, C-3, & I and shall not operate in any other zoning district.
- c. Mobile Food Vendors shall have written permission (a written lease or written license) from the record title property owner.

#### C. OPERATIONAL STANDARDS.

- 1) Mobile Food Vendor vehicles must have self-contained utilities and shall not use the city's utilities, or private utilities.
- 2) No speakers, noise production devices, or sound amplifications are allowed. Generators must adhere to the city's noise ordinance.
- 3) Mobile Food Vendors shall park at least thirty-five feet from the right of way, which is the standard zoning setback.
- 4) Mobile Food Vendors shall not park in any area which would block the view of traffic, traffic signals, or traffic signs, or park in any area which would obstruct the free and safe passage of vehicles or pedestrians.
- 5) Mobile Food Vendors shall not be located within ten feet of any fire hydrant.
- 6) Mobile Food Vendors shall not park in any location that impedes the ingress or egress of other businesses, building entrances, or emergency exits.
- 7) Mobile Food Vendors shall provide a clearly marked waste receptacle and request its use by customers.
- 8) Mobile Food Vendors shall pick up, remove, and properly dispose of all refuse, or other obvious trash generated/associated with the operation and must pick-up all trash within twenty-five feet radius of the vendor's operating area at the conclusion of service.
- 9) Mobile Food Vendors may participate in Special Events (private and public) only with the permission of the event organizer. Most special events are designed as a fundraiser for the organizer and require a fee paid by vendors interested in participating.
- 10) Mobile Food Vendors shall collect and remit all required sales taxes on food and beverages.

#### SECTION 5. LICENSE DENIAL, SUSPENSION, REVOCATION AND APPEALS

- A. The Building Inspector may deny, suspend or revoke a license issued under this Chapter for the following reasons:
  - 1) Fraud, misrepresentation or a false statement contained in the application for a license;
  - 2) Fraud, misrepresentation or a false statement made in connection with the selling of food;
  - 3) Any facts or conditions that would justify the denial of the original application;
  - 4) Three or more violations of this Chapter over a period of twelve months; or
  - 5) Failure to maintain a State Food Permit from the Mississippi State Department of Health.
- B. Any person who has been notified regarding the denial of their Mobile Food Vending application or the suspension or revocation of their Mobile Food Vending license may appeal to the Zoning Board of Adjustments and Appeals within ten (10) working days after their receipt of said notice. Other than as described in Subdivision C of this section, no license shall be suspended or revoked prior to a hearing if a Mobile Food Vendor requests a hearing within the required ten (10) working day period. Request for a hearing shall be made in writing and delivered and actually received by personnel of the Building Official. Requests for a hearing shall be denied as untimely if not perfected as specified above.



- C. When circumstances demonstrate that continued operation by a Mobile Food Vendor poses an imminent threat to the health and safety of the public, the Building Inspector, or any authorized law enforcement official may immediately suspend or revoke a Mobile Food Vending license.
- D. Whose license has been suspended or revoked by the City of Forest to operate or provide any Mobile Food Vending services within the city Limits. Whenever a Mobile Food Vending license is suspended or revoked, the Applicant shall immediately cease all Mobile Food Vending operations.

#### SECTION 6. 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:

- 1) A fine not to exceed \$150 for the first violation;
- 2) A fine not to exceed \$250 for a second violation within one year of any prior violation; or
- 3) \$500 for three or more violations within one year of the first

A fine not to exceed any offense shall be considered a misdemeanor and is subject to being cited by a Building Inspector or by any authorized law enforcement official in the City of Forest or anyone with authority to do so in the City of Forest.

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 Food Vendor preparation Vehicle.

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

That this ordinance will go into effect 30 days upon passage, the public interest requiring, but that it be published in *The Scott County Times* as required by law. This ordinance adopted in regular meeting, this the 5<sup>th</sup> day of March, 2024.



Nancy N. Chambers  
Nancy N. Chambers, Mayor

Faye Johnston  
Faye Johnston, City Clerk



## CITY OF FOREST

105 East 1<sup>st</sup> Street  
P. O. BOX 298  
FOREST, MISSISSIPPI 39074  
TELEPHONE (601) 469-2251 FAX (601) 469-3224

NANCY N. CHAMBERS  
MAYOR

FAYE JOHNSTON  
City Clerk, Tax Collector

- ALDERMEN -  
YOLANDA WHITE  
LYNN ATKISON  
HARRY ROBINSON  
CYNTHIA SLAUGHTER MELTON  
MATT ALFORD

### MOBILE FOOD TRUCK APPLICATION

APPLICANT NAME: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_ BUSINESS NAME: \_\_\_\_\_  
(IF DIFFERENT FROM MAILING ADDRESS)

CITY OF FOREST PRIVILEGE LICENSE NUMBER: \_\_\_\_\_ MSDH FOOD SERVICE PERMIT NUMBER: \_\_\_\_\_

STATE TAX ID NUMBER: \_\_\_\_\_

#### LOCATION OF FOOD TRUCK AND DAYS OF SET UP

LOCATION ADDRESS: \_\_\_\_\_ DAYS OF OPERATION: \_\_\_\_\_

APPLICANT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

#### THE FOLLOWING DOCUMENTS SHALL BE SUBMITTED FOR APPROVAL FROM THE CITY OF FOREST

1. CITY OF FOREST PROPERTY OWNER CONSENT FORM FOR EACH PROPOSED LOCATION OF OPERATION ON PRIVATE PROPERTY.
2. WRITTEN PROOF OF A VALID GENERAL LIABILITY INSURANCE POLICY THAT PROVIDES MINIMUM LIABILITY COVERAGE OF \$500,000 PER MOBILE VENDOR VEHICLE OR PUSHCART, WITH THE CITY OF FOREST NAMED AS AN ADDITIONAL INSURED IF MOBILE FOOD VENDING IS TO TAKE PLACE ON PUBLIC PROPERTY INCLUDING ROAD RIGHTS OF WAY, AND SIDEWALKS.
3. PROOF OF A VALID VEHICULAR INSURANCE POLICY.
4. COPY OF A VALID DRIVER'S LICENSE
5. A WRITTEN INDEMNITY AGREEMENT THAT WILL HOLD HARMLESS THE CITY OF FOREST AND ALL OF ITS DIRECTORS, OFFICERS, EMPLOYEES, SERVANTS, CONTRACTORS, AND ASSIGNS OF AND FROM ANY LOSS, LIABILITY OR DAMAGE, INCLUDING LITIGATION COSTS AND FEES ARISING FROM ANY, BODILY INJURY OR PROPERTY DAMAGE SUSTAINED BY A PERSON AS A RESULT OF THE NEGLIGENT INSTALLATION, USE, OR MAINTENANCE OF A PERMITTED SPACE BY A MOBILE FOOD VENDOR.

PROPERTY OWNER CONSENT FORM

Property Address: \_\_\_\_\_

Name of Mobile Food Vendor: \_\_\_\_\_

To Whom It May Concern:

This letter shall verify that I am the property owner for the above-referenced address and am aware that the Mobile Food Vendor listed above will be operating their Mobile Food Vending business on my property.

I have given them permission to operate their business on my property (check one)

\_\_\_\_\_ subject to the terms and conditions of the lease which is attached hereto

or

\_\_\_\_\_ without any other written lease or license.

I have given them my consent to operate from (dates): \_\_\_\_\_ to \_\_\_\_\_

between the hours of \_\_\_\_\_ and \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Property Owner's Printed Name

\_\_\_\_\_  
Cell Phone #

\_\_\_\_\_  
Home Phone #

\_\_\_\_\_  
Property Owner's full address

INDEMINITY AGREEMENT

WHERE AS, the undersigned is in the business of providing services to citizens as a Mobile Food Vendor inside the City of Forest, Mississippi, utilizing authorized locations upon public property with special permission of the Mayor and City Board and/or an authorized locations on private property, and

WHERE AS, the City of Forest has implemented an ordinance governing the way Mobile Food Vendors operate, and

WHERE AS, the mobile food vendors have submitted all documentation showing that the vendor complies with the City of Forest Code of Ordinances, the Mississippi Department of Health, the Mississippi Department of Revenue, and the Mississippi Department of Transportation regulations, other applicable laws, and

WHERE AS, the City of Forest desires an indemnifying and hold harmless agreement to protect it and its officers, directors, agents, contractors and employees in the case of an accident, injury or other incident causing harm or injury and damages to persons or property arising out of the operation of the undersigned's Mobile Food Vendor operations.

NOW, therefore, by these presents we, the undersigned, do hereby release acquit, indemnify and hold harmless the City of Forest, Mississippi, together with all of its officers, directors, agents, contractors and employees as a result of any accident, illness, injury or other occurrence resulting in injury or damages to persons or property arising out of the location and operation of the Mobile Food Vendor with the boundaries of the City of Forest.

This agreement shall terminate whenever the Mobile Food Vendor is no longer in operation.

Signature of Mobile Food Vendor: \_\_\_\_\_ Date: \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

Sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Notary

Seal

My commission expires: \_\_\_\_\_