

ORDINANCE 78-01

SELLING ON THE SIDE OF ROAD

In accordance with section 15, Louisiana Legislative Act No. 79 of 1921 as amended by act no 296 of 1926, Act 126 of 1928 and Act 252 of 1936, an ordinance to promote and protect the health, welfare, and safety of the public by prohibiting the issuance of an occupational license, beer or liquor license to the owner, operator, or any other person applying therefor, to operate any restaurant, bar, grocery market, or any other establishment proposing to manufacture, prepare or offer for sale to the public any food or beverage unless and until such owner, manager, etc. provides valid proof of possession of a permit from the St. Tammany Parish Health Unit to operate such establishment.

Be it ordained by the town of Pearl River, acting as the governing authority of said Parish.

Section 1: That this ordinance is enacted in the exercise of authority vested in the town of Pearl River, and its purpose generally is to promote and protect the health, welfare, and safety of its citizens.

Section 2: Definition of terms: A) "Food service operator" as used in this ordinance shall mean any person, firm, company, partnership or corporation who manufactures, prepares, serves or offers for sale any food or beverage product to the public. B) "Food service corporation" as used in this ordinance shall mean any building, place or mobile unit used for the purpose of manufacture, preparation, or service of any food product or beverage to the public.

Section 3: That it shall be unlawful for any food service operator to be issued or sold an occupational license or alcoholic beverage license unless and until such food service operator provides the issuing or selling parish agency with valid proof of a permit from the St. Tammany Parish Health Unit to operate at the same address for which is being requested.

Section 4: That it shall be unlawful for any food service establishment to be operated without a valid permit from the St. Tammany Parish Health Unit.

Section 5: That it shall be unlawful for any food service operator to continue the food service operation for which the permit from the St. Tammany Parish Health Unit has been revoked. Either verbal or written notification of permit revocation shall be considered as sufficient notification.

Section 6: That it be the duty of the Town of Pearl River Police Department to immediately close any food service establishment found to be operating without a permit from the St. Tammany Parish Health Unit or who continues to operate after their permit for such food service operation has been revoked by the director of the St. Tammany Parish Health Unit or his authorized representative and to prefer charges against the food service operator responsible for such unlawful operation. Each day of such operation constitutes a separate offense.

Section 7: That any food service operator violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction for such offense before any court of competent jurisdiction of St. Tammany Parish, shall be fined no more than five hundred dollars (\$500.00) or be imprisoned for no more than sixty days (60) or both at the discretion of the court.

Section 8: The declaration of unconstitutionality of any part of this ordinance by any court of competent jurisdiction shall have no effect on that part recognized as constitutional by said court.

/s/ Ruby Gauley /s/ Robert Harper, Mayor Yeas; 5 Nays; 0 Adopted January 10, 1978