(A) Purpose

- 1. The purpose of this ordinance is to differentiate between temporary and/or mobile vendors of edibles and non-edibles. To attempt to ensure public health, safety, order and general welfare of the residents and visitors to Tontitown, Arkansas, a uniform set of rules and regulations pertaining to non-permanent retailers is required.
- 2. Tontitown will issue Outdoor Food Vendor permits ONLY to business locations with an established business at that location, and a valid City of Tontitown business License.
- 3. The City will have no more than six (6) Outdoor Food Vendor permits issued at any one time
- 4. As of the date of the passing of this Ordinance, no temporary permits for non-edible merchandise will be issued.

(B) Definitions Edible goods shall include, but are not limited to:

- 1. Prepackaged food including, but not limited to popcorn, snacks, candy, beverages and ice cream.
- 2. Prepared food including, but not limited to hot dogs, hamburgers and other entrees, side items, desserts, or appetizers.
- 3. On-site prepared food.
- 4. Locally grown.
- 5. Consumable.

(C) Application for Required Permit

 Prior to placement, each business location with an established business at that location, must obtain an Outdoor Food Vendor Permit from the city. Also the business owner is required to supply the City with a completed Outdoor Food Vendor Information sheet for each vendor allowed at their business location:

(D) Permit Fee

- 1. Outdoor Food Vendor of Edible Items Permit Fees
 - (a) \$300.00 annual fee, from July 1st thru June 30th.
 - (b) Tontitown will issue Outdoor Food Vendor permits ONLY to business locations with an established business at that location, and a valid City of Tontitown business License.
 - (c) Maximum of 2 vendors operating on site, at any one time, per day, per business location.

(E) Exemptions

- 1. This ordinance does not apply to:
 - (a) Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer
 - (b) The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books
 - (c) Outdoor or "sidewalk sales" as part of a full-time commercial retail tenant's seasonal promotional activity lasting no more than three consecutive days, with a maximum of

- 3 times per year, per location.
- (d) Local resident's temporary produce stands selling personally grown fruit, vegetables, farm products or provisions provided the owner of the location has granted permission.
- (e) Merchants participating in outdoor markets or special events organized or administered by the city or the Grape Festival. Such merchants/vendors shall be approved by the city or the organizing or administering agency. Any and all merchants/vendors must be located by the area designated by the organizing or administering agency. Special city events such as but not limited to the Tontitown Grape Festival.
- (f) Vendors associated with public auction events.

2. Claims of Exemption

Any person claiming to be legally exempt from the regulations set forth herein, or from the payment of a permit fee, shall cite to the Planning Board the statutes or other legal authority under which exemption is claimed and shall present proof of qualification of such exemption.

- (F) Permit Revocation
 - (1) No refunds will be provided for any revocation or suspension of Outdoor Food Vendor Permit.
 - (2) Persons who knowingly or intentionally violating any portion of these ordinances is subject to a fine and potentially attorney fees
- (G) Appeal of permit denial, revocation, suspension
 - (1) Permit holder will not be eligible to reapply for an Outdoor Vendor permit for at least one year after permit revocation
 - (2) Any permit denial, revocation or suspension challenged by the operator will be in writing to the Tontitown City Council
 - (3) All decisions regarding denial, revocation or suspension shall be reviewed and decided upon by the City Council within 90 days of receiving written challenge from the operator.

Location - See application for regulation requirements.

Rules of Operation: See application for regulation requirements.