

**CITY OF JOHNSONTONTITOWN (AR)**

**Mobile Food Vendors**

(A) *Purpose.* The purpose of this section is to establish reasonable rules and regulations regarding mobile food vendors and mobile food vendor courts to operate while ensuring such use is compatible with nearby properties, fosters an aesthetically appealing streetscape and does not create a dangerous traffic condition.

(B) *Definitions.*

- (1) *Mobile food vendor.* Any person or persons that owns or operates a *mobile food vendor vehicle* for the purpose of *mobile food vending* as defined.
- (2) *Mobile food vendor vehicle.* A mobile food vendor that prepares and/or serves food and/or beverages from a self-contained vehicle either motorized, or, within a trailer that is readily movable without disassembling for transport to another location. *Mobile food vendor vehicles* may commence outdoor food vending from a *fixed* location, or commence outdoor food vending from a *non-fixed* location.
- (3) *Mobile food vendor, fixed.* Exhibiting, displaying, selling, or offering for sale any food or beverage from a *mobile food vendor vehicle* at a *fixed* location on public or private property.
- (4) *Mobile food vendor, non-fixed.* Exhibiting, displaying, selling, or offering for sale any food or beverage from a *mobile food vendor vehicle* that is in operation, staged along one side of a public right-of-way, where said vehicle is temporarily parked and staged in a manner to safely engage in mobile food vending. Typical examples are ice-cream trucks or other types of entities that sell only pre-packaged and/or prepared items not requiring additional time for cooking or preparation prior to sale.
- (5) *Mobile food vendor, single.* An outdoor commercial venue, site, or parcel containing only one (1) mobile food vendor
- (6) *Mobile Food vendor court, minor.* An outdoor commercial venue, site, or parcel containing between two (2) and four (4) mobile food vendors in the same location.
- (7) *Mobile Food vendor court, major.* An outdoor commercial venue, site, or parcel containing five (5) or more mobile food vendors in the same location.

(C) *Permitted In Certain Zoning Districts* - Mobile food vendors are permitted to operate based on the use chart below;

**\*NEED TONTITOWN USE CHART – This is just a sample. We will need to review the zoning on this chart.**

MOBILE FOOD VENDOR TYPE	A	ORC	RE	RSF1	RSF2	RSF4	H	R6	R10	UN1 & UN1-C	UN2 & UN2-C	TC & TC-C	HC	LI	PUD
MOBILE FOOD VENDOR, FIXED	P	P								P	P	P	P	P	P
MOBILE FOOD VENDOR, NON-FIXED	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
MOBILE FOOD VENDOR COURT	P	P								P	P	P	P	P	P

(D) *General Limitations and Restrictions.*

- (1) All mobile food vendors operating on City owned property must obtain a permit under Section H of these regulations and abide by the regulations specified within that section.
- (2) Time / Duration of operation. Mobile food vendors shall be allowed to engage in the business of vending seven (7) days a week, and between the hours of 12:00 a.m. (midnight) and 7:00 p.m. in commercially zoned properties.~~We will need to check on the time's here to make sure they do not interfere with our noise ordinance.~~
- (3) Mobile Food Vendors within high-risk flood areas. For the purposes of this section, "high risk of flood areas" are those areas shown as Special Flood Hazard Areas (SFHA) on the effective Flood Insurance Rate Maps (FIRM) produced by the Federal Emergency Management Agency (FEMA), or other areas documented by the City to have a high risk of flooding. All mobile food vendor permits located in areas of high flood risk shall meet the following:
  - (a) Food trucks or food trailers shall be fully licensed and ready for highway use, in that the food truck or food trailer is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions or apparatus.
  - (b) No overnight parking, including overnight staging, storing, or siting of any apparatuses associated with the mobile food vendor permit.
  - (c) All utility hook ups, connections, and attachments shall be at least 2' above the Base Flood Elevation (BFE).

(E) *Mobile Food Vendor Permit Application.* All applications for mobile food vendor permits shall contain the following:

- (1) Application fee. Each application for a permit to conduct a mobile food vendor business shall be accompanied by a ~~\$100.00~~ 50.00 permit review and processing fee. Mobile food vendor permits shall be issued to the owner of the *mobile food vendor vehicle*. \*Note that the mobile food vendor permit is independent from the City Business License process. ~~I know we had talked about putting in a "temp permit". I believe that will need to be added to this section. They will be valid for 72 hours for weekend/holiday events. I believe those should be \$35. I also think that we need to raise the price of the permit to a flat \$100 for the year. I think we had talked about removing the property owner's fee of \$300. Raising the cost to 100\$ will help make up that cost.~~
- (2) Contact information. Name, address, contact information and signature of both the property owner and, if different than the owner, name of the person requesting to locate on the property.
- (3) State & local permits. A valid copy of all necessary permits required by state and county health authorities, all of which shall be conspicuously displayed at all times during the operation of the business.
- (4) City permits. A valid copy of current, city issued business license, and Advertising & Promotions registration which shall be conspicuously displayed at all times during the operation of the business.
- (5) Property owner authorization. If located on private property, written authorization, signed by the property owner or legal representative of record, stating that the prospective mobile food vendor is authorized to operate on the subject property.
- (6) Plan submittals. Mobile food vendor applications will include a plan that shows the location of the proposed mobile food vendor relative to other elements of review. The type and level of detail for plan submittals will depend on the type of mobile food vendor permit application. Section 'F' provides for further details on which elements are required based on each mobile vendor type.
- (7) Temporary Permits. Each application for a temporary permit to conduct a mobile food vendor business shall be accompanied by a \$35.00 permit review and processing fee. Temporary permits for mobile food vendor businesses shall be valid for 72 hours for weekend and/or holiday events only.

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(F) Site Plan Requirements:

(1) In General:

- (a) Site Design. Sites shall be improved with a barrier between vehicular and customer service areas, including ordering and dining areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material, or color; or similar treatments.
- (b) Grading. The entirety of the site shall be graded and drained to dispose of surface water into appropriate conveyance structures.
- (c) Utilities. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking areas.
- (d) Signage. Unless otherwise stated in this section, all provisions of Zoning Code section ~~44-16 §§153.180~~ (Signs) are applicable. ~~I went back and looked at our current code and I have not found that our current outdoor food vendor section says anything about signage. We will either need to come up with something or reference another part of our code for this.~~

(2) Major Mobile Food Vendor Courts:

- (a) Formal Large Scale Development site plans, per section ~~§§152.097 15-08~~ of the city's large scale development subdivision regulations, are required. ~~We will need to reword this to include the reference of our code for a LSD.~~
- (b) Perimeter Landscaping. A major mobile food vendor court shall be considered a bon-a-fide parking lot, where perimeter landscaping shall be required in accordance with Parking Lot Landscape Standards.
- (c) Off-Street Parking Areas. Asphalt, concrete, or other durable-semi permeable surface (as approved by the City Engineer) shall be applied to the designated off-street parking area.
- (d) Pedestrian Circulation. Continuous curb cuts are not permitted. In situations where continuous curb cuts already exist at a proposed site, those conditions may not create or exacerbate a dangerous pedestrian condition. New courts may close continuous curb cuts or improve pedestrian conditions with temporary materials subject to approval of the City Planning Commission. Acceptable materials include planters, plinths, benches, pavers, and other furniture. Under no circumstance shall such temporary improvements and/or materials reduce access for pedestrians with disabilities or otherwise be in non-compliance with the Americans with Disabilities Act (ADA).
- (e) Signage. Vehicle signs, banner signs, sandwich board signs, and monument signs, double-post signs are allowed. Moreover, for Major Mobile Food Vendor Courts, if a vendor proposes any additional signage outside the vehicle, detailed scaled drawings and/or photos showing dimensions, height, and location of the proposed signage shall be submitted for review. Signs allowed in this section are limited to 48 sq. feet in total area and 8 feet in total height from the ground. Drawings and/or photos shall show the proposed signage relative to site features, including, but not limited to, the public right-of-way, off-street parking areas, pedestrian circulation areas, and dining areas.
- (f) Major mobile food vendor courts shall provide adequate restroom facilities either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public.

(3) Minor Mobile Food Vendor Courts:

- (a) Site Plan. A surveyed drawing is not required; graphic plans depicting site elements and approximate scale needed for the City to determine compliance with these regulations are acceptable. The plan shall include the general location and dimensions of off-street parking areas, mobile food vendor vehicles, dining areas, trash receptacles, lighting, and any other relevant site details or elements the city requires to ensure compliance with these regulations.  
If any proposed site elements or proposed change of site permeability are determined by city staff to be a potential concern regarding safety, erosion and drainage or other factor concerning the public's health safety and welfare, then the site plan shall be subject to review and approval by the City Engineer.
- (b) Off-Street Parking Areas. Minor food vendor courts or single mobile food vendors shall improve their parking areas with gravel or another similar durable surface.
- (c) Pedestrian Circulation. Continuous curb cuts are not permitted. In situations where continuous curb cuts already exist at a proposed site, those conditions may not create or exacerbate a dangerous pedestrian condition. New courts may close continuous curb cuts or improve pedestrian conditions with temporary materials subject to

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approval of the City Planning Commission. Acceptable materials include planters, plinths, benches, pavers, and other furniture. Under no circumstance shall such temporary improvements and/or materials reduce access for pedestrians with disabilities or otherwise be in non-compliance with the Americans with Disabilities Act (ADA).

- (d) Any signage other than vehicle signs, are limited to sandwich board signs allowed as per the City Sign Ordinance (see Ord.-2018-05-786, 020-05 or amendments thereto). ~~This point will need to be edited, again to reference our own code.~~

(4) Single Mobile Food Vendor:

- (a) Site Plan. A surveyed drawing is not required; graphic plans depicting site elements and approximate scale needed for the City to determine compliance with these regulations are acceptable. The plan shall include the general location and dimensions of off-street parking areas, mobile food vendor vehicle, dining areas, trash receptacles, lighting, and any other relevant site details or elements the city requires to ensure compliance with these regulations.

If any proposed site elements or proposed change of site permeability are determined by city staff to be a potential concern regarding safety, erosion and drainage or other factor concerning the public's health safety and welfare, then the site plan shall be subject to review and approval by the City Engineer.

- (b) Any signage other than vehicle signs, are limited to sandwich board signs allowed as per the City Sign Ordinance (see Ord.-2018-786, 20-05 or amendments thereto). ~~This point will need to be edited, again to reference our own code.~~

(G) *General Mobile Food Vendor Requirements.* All mobile food vendors are required to meet the following requirements.

- (1) The mobile food vendor has the responsibility to dispose of all waste in accordance with all applicable laws. Mobile food vendors are not permitted to dispose of their trash in public trash receptacles.
- (2) The mobile food vendor permit issued shall not be transferable in any manner.
- (3) Mobile food vendors, and the sites upon which they operate, shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

(H) *Mobile food vendor, non-fixed requirements.* The following requirements apply to non-fixed mobile food vendors.

- (1) Equipment requirements and features: ~~After reading over this section, I am assuming that non-fixed is going to be like ice cream trucks that are moving? Or can we apply these requirements to other vehicles as well?~~

- (a) Convex mirror mounted on the front of the vehicle such that the driver in his normal seating position can see the area in front of the truck obscured by the hood.
- (b) "Slow Children Crossing" sign printed in six-inch black letters on yellow background on both the front and back of the vehicle.
- (c) Passenger side mirror.
- (d) Business name, address, and phone number printed in two-inch letters on each side of the vehicle.
- (e) Trash receptacle.
- (f) "Slow" signal arm that can be extended horizontally from the left side of the truck. This arm shall be yellow with six-inch black lettering and two alternating flashing amber lights three to five inches in diameter. The bottom of the signal arm shall be approximately 42 inches above the roadway or street.
- (g) The vehicle shall be lawfully parked or stopped before vending can take place.

(2) Operational requirements.

- (a) "Slow" signal arm shall be deployed when vehicle is stopped for vending purposes.
- (b) The vehicle shall not be stopped for vending purposes when no customers are present.
- (c) Vending shall take place from the right side of the vehicle.

- (d) Vending shall not occur with a customer standing within the roadway.
- (e) Vending shall only include prepackaged products.
- (f) Vehicles shall not be operated in reverse to accommodate a customer.

(I) *Permits on City Owned Property.* The City Administration shall establish the criteria for the issuance of permits on City owned property.

(J) *Exemptions.* The provisions of the Mobile Food Vendor ordinance do not apply to:

- (1) Special events authorized by the City of ~~Tontitown~~Jehansen.
- (2) Children's lemonade stands.
- (3) Non-profit organizations that prepare and donate or give away food for free. ~~I am assuming we need to include the grape fest in this section.~~
- (4) The Tontitown Grape Festival and other community events sponsored or approved by the City of Tontitown.

(K) *Prohibitions.* The following conduct is prohibited for mobile food vendors:

- (1) Obstruct vehicular traffic flow.
- (2) Obstruct pedestrian circulation or flow.
- (3) Obstruct traffic signals or regulatory signs.
- (4) Violation of City Noise Ordinance.
- (4) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

(L) *Permit Issuance.*

- (1) The applicant shall be notified in writing of the city's decision to issue or deny the application for mobile food vendor permit not later than 30 days after the applicant has filed a completed application.
- (2) Any applicant may appeal a denied application to the city ~~council~~ council planning commission ~~(should this be to the city council?)~~ within ten days of the denial by sending written notice to the City clerk, to be heard at the next available planning commission meeting.
- (3) Each permit shall show the name and address of the mobile food vendor, permit type, the amount of the permit, the date of issuance, a permit number, an identifying description of any motor vehicle or conveyance used by the mobile food vendor plus, where applicable, the motor vehicle registration number and a photograph of the vendor not less than two inches square nor more than three inches square. Each permit shall also show the expiration date of the permit.
- (4) Any permit issued shall be carried with the vendor whenever he/she is engaged in vending. Certificate of health inspection from the Washington County Health Department shall also be properly and conspicuously displayed at all times during the operation of the vending business.

(M) *Permit Expiration & Renewal.*

Except those permits issued for vendors on city owned property, the following regulations apply to all other types of mobile food vendor permits.

- (1) *Expiration.* Mobile food vendor permits issued shall be valid only for the time period established on the permit, not to exceed one (1) calendar year from the date of issuance.

(2) *Renewal.* Mobile food vendor permits may be renewed provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any permit renewal application received after that date shall be processed as a new application. The city shall review each application for renewal, and upon determining that the applicant is in full compliance with the provision of these regulations, shall issue a new permit. As part of the renewal process, all vendors shall submit an updated copy of state and / or county health department permits, all applicable City of ~~Johnson~~Tontitown business license tax forms, and a re-inspection by the City Fire Department where applicable. Failure to renew a permit will be cause for revocation by the City.

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(3) *Submittal application.* Provided there are no substantial or material changes to permit parameters, applications for renewal of the mobile food vendor permit need not entail resubmittal of plans, as required during the initial permit application per section ~~§§152.09745-08~~ of the City's ~~Subdivision-Large Scale Development~~ Regulations. ~~This section will need to reflect our code if different.~~

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(N) *Administrative Approval.* Provided that all regulations have been met, the City has the authority to administratively approve mobile food vendor permit applications for *minor mobile food vendor courts and single mobile food vendors.*

(O) *Suspension and Revocation of Permit.* Any permit (and by association, business license) issued under these regulations may be suspended or revoked under the same procedures stipulated by section ~~§110.02 4.24.20 – Suspension / Revocation of Permit~~Applications for Licenses and Suspension or Revocation. ~~This section will need to reflect our code if different.~~

(P) *Notification of Suspension or Revocation.* Notification regarding suspension and/or revocation of any permit (and by association, business license) issued under these regulations shall follow the same procedures stipulated by section ~~§110.02 Applications for Licenses and Suspension or Revocation 4.24.21 – Suspension / Revocation Procedure.~~ This section will need to reflect our code if different.