

ORDINANCE NO. 19-27

AN ORDINANCE ESTABLISHING GUIDELINES FOR MOBILE FOOD VENDING

WHEREAS, the City of Gravette, Arkansas, finds it necessary to establish guidelines for mobile food vending, so as to preserve and protect public safety; preserve and protect property values; and encourage fair, meaningful, and competitive competition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAVETTE, ARKANSAS:

Section 1. That an Ordinance establishing guidelines for mobile food vending is hereby created as described in the attached Exhibit A.

Section 2. That this Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

Section 3. That all other Ordinances and Resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That the provisions of this Ordinance are separable and if a section, phrase, or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the Ordinance.

PASSED AND APPROVED THIS 22nd DAY OF August, 2019.

APPROVED:


MAYOR

ATTEST:


CITY CLERK/RECORDER


STATE OF ARKANSAS
CITY OF GRAVETTE
I, Mike VonRee, Recorder of the City of Gravette, Benton County, Arkansas
In and for the City of the State aforesaid, do hereby certify that this
instrument of writing is a true and complete copy, and the same appears of
record of Food Truck Ord.
being on file in my said office. I have here unto set my hand this 22nd
day of Aug, 2019
Mike VonRee, Recorder
City of Gravette, Benton County, AR
By 

EXHIBIT A

Mobile food vending

Mobile vendors are authorized to offer food items for sale from a mobile vending unit occupying certain public or privately-owned parking lots, and shall not be deemed a violation of the current zoning Ordinance provided that the vendor at all times complies with the following terms:

1. Mobile food vending on privately-owned lots shall meet the following requirements:
 - a. *City sponsored festivals or events.* The vendor's unit shall not be stationed within 300 feet of the permitted areas designated for occupancy by participants in city sponsored festivals and/or events, unless the unit is an authorized food vendor permitted as part of the festival or event.
 - b. *Zoning.* The vendor unit must be on a private lot zoned as Commercial 'C' zones or Industrial 'I' zones.
 - c. *Parking.* The mobile food vending unit must not occupy parking spaces that are otherwise required by law for other permanent businesses operating on the property, parking is considered unoccupied by the business when the business is closed to the public. In addition, one on-site parking space for every 200 square feet of the mobile food vending unit space shall be provided, with a minimum of one space per unit, except for units that are located within the downtown parking district.
 - d. *Single vendor.* Only one (1) outdoor vendor shall be permitted per lot unless otherwise approved by the City of Gravette.
 - e. *Property owner authorization.* The vendor must obtain prior written authorization from the registered landowner granting permission to locate the mobile vending unit on the property, and provide a copy thereof at the request of city officials.
 - f. *Public safety and access.* The mobile food vending unit shall not block or impede vehicular ingress/egress, fire lanes, vehicular or pedestrian traffic. Any public safety concerns of the building inspector, police chief, or fire chief shall provide bearing on the permit approval or permit revocation.
 - g. *Restaurant buffer.* No food mobile vending unit shall be located within 200 feet of a permanent restaurant or other permanent eating establishment that sells the same food items and is open during the same hours that the mobile food vendor is present, unless the unit is an accessory to the restaurant or eating establishment.
 - *Exemption.* A mobile vending unit may be permitted within the restaurant buffer if permission, through signed letter from the legal business owner, is granted for the operation of the mobile vending unit. Said permission shall list the following: Name of mobile vending unit, duration of operation and the location of operation.
 - h. *Sign regulations.* The mobile food unit shall comply with applicable zoning district sign regulations and permitting.
 - i. *Sight distance triangle.* The mobile food vending unit shall not be parked or located within the sight distance triangle or required landscaping buffer.
 - j. *Site plan.* Each business license application for a mobile food vending unit shall include a site plan, drawn to scale, indicating the proposed location of the mobile food vending unit in relation to parking stalls, driveways, and building setbacks.
 - k. *Trash receptacles and litter removal.* The mobile unit vendor shall furnish trash receptacles to be located no more than ten feet from the mobile food unit. The vendor must clean the site of all litter produced by the unit at the close of business each day in operation.
 - l. *Mobile food vending permit.* The mobile vendor shall obtain a mobile food vending permit from the City of Gravette.

- m. *Business license.* The mobile unit vendor shall operate in full compliance with a valid business license issued by the City of Gravette; and during all business activities, the vendor shall display the license in a conspicuous location, legible to customers situated outside the vehicle. The license shall expire on January 1 of each year and is subject to an annual renewal as provided for in city Ordinance, and subject further to the provisions below:
 - 1. *Arkansas Department of Health approval.* Arkansas Department of Health approval is required for mobile food vendors involved with food preparation, distribution, or packaged food sales.
 - 2. *Utility plan.* The mobile food unit vendor shall provide the need for and the method of acquiring public utilities provided to the mobile food unit.
- n. *Limited occupancy.* The mobile food vending unit shall not occupy one parking space on a private parking lot for more than 45 consecutive days; however, exemptions may be requested, as detailed on the permit, for semi-permanent units desiring to occupy a mobile food vending court.
- o. *Public parks and parking lots.* All mobile food units located within public parks or publicly owned property shall be associated with an authorized public event permit or a city sponsored event or have permission from the City of Gravette and an associated lease. For city sponsored events, authorization must be provided by the city administrator or his designee.
- 2. *Parking prohibited on city right-of-way.* No mobile food vending unit shall park and vend on a public-right-of-way with the exception of units associated with a special event permit and the affected right-of-way is temporarily closed for vehicular traffic. Vending units situated on city right-of-way shall be approved by the fire marshal or his designee.
- 3. *Food vending in non-permanent structures.*
 - a. Food vending in non-permanent structures is prohibited unless the following is provided by the vendor:
 - 1. The non-permanent structure food vendor is authorized by the building official and fire marshal.
 - 2. The non-permanent structure food vendor meets all the requirements pertaining to mobile food vendors on privately-owned property (above), with the exception of the limited occupation requirements.
- 4. *Off-site food vending or food deliveries.*
 - a. *Business license.* Food vendors who prepare food for sale off-site for deliveries or sale elsewhere, must acquire a business license according to the requirements in this chapter.
 - b. *Arkansas Department of Health approval.* Arkansas Department of Health approval is required for mobile food vendors involved with food preparation, distribution, or packaged food sales.
- 5. *Open-air food vending.*
 - a. *Transient license.* The operator must acquire a transient trader license and abide by limitations on days in operation.
 - b. *Business license.* The operator must acquire a business license, unless associated with a special event permit.
 - c. *Private lot.* The operator must acquire written permission from the property owner if operating on a privately-owned lot.
 - d. *Right-of-way.* It is prohibited to operate within a public right-of-way, unless the open-air vendor is associated with a special event permit.
 - e. *Packaged goods.* Restrictions on sale of pre-packaged items shall not apply to open air food vending if sold by a not-for-profit business or organization.