



ORDINANCE NO.: 121

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
FOR MOBILE FOOD VENDORS AND OUTDOOR VENDORS.**

WHEREAS, it is the desire of the Town of Avoca, Arkansas to adopt uniform rules and regulations for mobile food vendors and outdoor vendors.

1. Definitions: The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Mobile food vehicle* means a food establishment preparing and/or serving foods from a self-contained vehicle either motorized or within a trailer that is readily movable without disassembling for transport to another location. Mobile food vehicles may serve as a conveyance for outdoor vending at a fixed location.
- (b) *Mobile food vendor* means any person that owns or operates a mobile food vehicle for the purpose of mobile vending, as defined.
- (c) *Outdoor vending* means exhibiting, displaying, selling or offering for sale any food, beverages, goods, wares, or merchandise from a conveyance at a fixed location on public or private property.
- (d) *Outdoor vendor* means a person that exhibits, displays, sells or offers for sale any food, beverages, goods, wares or merchandise from a conveyance at a fixed location. This definition does not include a door-to-door solicitor, mobile food vending, children's lemonade stands or homeowners having garage sales.

2. License Required.

- (a) It shall be unlawful for any person to engage in the business of outdoor vending or mobile food vending unless the person has obtained a business license from the Town.
- (b) In addition to the information generally required for obtaining a business license, an applicant seeking to engage in the business of outdoor vending or mobile food vending must also provide:
 - i. A brief description of the goods, wares, or merchandise to be offered for sale.
 - ii. A site plan showing proposed location.
 - iii. A detailed scaled drawing or photo showing dimensions and location of the conveyance and any proposed signs.
 - iv. Written consent of the property owner.

v. If the applicant is engaged in the sale of food or beverages, a copy of the Benton County Health Department inspection certificate.

vi. If a motor vehicle is to be used, the motor vehicle make, year, model and license number and proof of current driver's license for all drivers and proof of current insurance for the vehicle.

3. Location Restrictions. Vendors shall not be permitted to operate in the following areas:

- (a) Within ten feet of any street intersection or pedestrian crosswalk.
- (b) Within ten feet of any driveway, loading zone, or bus stop.
- (c) In any area within 15 feet of a building entrance.
- (d) On the median strip of a divided roadway unless the strip is intended for use as a pedestrian mall or plaza.
- (e) Any area within 100 feet of a school.
- (f) Within ten feet of any fire hydrant or fire escape.
- (g) Within ten feet of any parking space or access ramp designated for persons with disabilities.
- (h) Within 25 feet of any bus stop sign.
- (i) Within 50 feet of driveway to a police or fire station.
- (j) Within 50 feet of principal public entrance to food service business not owned by vendor.
- (k) Any area that obstructs pedestrian traffic.
- (l) Vacant or undeveloped property without landowner's consent.
- (m) Any location other than the assigned location as expressly described on the business license.

4. Hours of Operation. Vendors shall be allowed to engage in the business of vending only between the hours of 10:00 a.m. and 10:00 p.m.

5. Littering and Trash Removal. Vendors shall keep the sidewalks, roadways, and other spaces adjacent to their vending sites or locations clean and free of refuse of any kind generated from the operation of their business. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container. Vendors shall provide a receptacle for litter that shall be maintained and emptied regularly.

6. Prohibited Conduct. No person authorized to engage in the business of vending under these regulations shall do any of the following:

- (a) Unduly obstruct pedestrian or motor vehicle traffic flow.
- (b) Obstruct traffic signals or regulatory signs.
- (c) Conduct business in such a way as would: (i) restrict or interfere with the ingress or egress of the abutting property owner or tenant; (ii) create a nuisance; (iii) increase traffic congestion or delay; (iv) constitute a hazard to traffic, life, or property; or (v) obstruct adequate access to emergency and sanitation vehicles.
- (d) Run hoses, cords, or other apparatuses across a roadway or pedestrian pathway.

7. Suspension and Revocation of License.

- (a) In addition to the reasons set forth in the business license ordinance, a vendor's business license may be suspended or revoked for the following reasons:
 - i. Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending; or
 - ii. Cancellation of health department authorization.
- (b) If the Town chooses to proceed under Section 7(a) (i) or (ii), The Town shall provide written notice of the pending suspension or revocation setting forth the ground for suspension or revocation, and notifying the vendor that if the issue is not corrected within seven days of receipt of the notice, the license may be suspended or revoked. Such notice shall be mailed to the address shown on the business license application. If the license is suspended or revoked the license holder shall have ten days from the date of the suspension or revocation to file their appeal for consideration by the Town council. The appeal shall be filed by sending written notice to the recorder-treasurer and shall be heard at the next available Town council meeting.

(c) If the Town revokes a vendor's business license, the fee paid for the license shall be forfeited. A person whose license has been revoked under this section may not apply for a new license for a period of one year from the date that the revocation took effect.

8. Exemptions. The provisions herein shall not apply to any farmer's market sanctioned by the Town and occurring on Town property. Any other person claiming to be legally exempt from the regulations set forth herein shall cite to the Town the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such exemption.

9. EMERGENCY: This Ordinance is necessary in order to provide for the continued health, safety, and welfare of the Town's citizens; therefore, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 14th day of August 2018.



Attest:

Nanette Barnes
NANETTE BARNES, Recorder-Treasurer

Thomas W. O'Dell
THOMAS O'DELL, Mayor

User Name: SUSAN
CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
L201853725 10/11/2018 11:30:25 AM
Brenda DeShields, Circuit Clerk
BENTON CO, AR FEE \$30.00