

ORDINANCE NO. 2008-26

AN ORDINANCE REGULATING PORTABLE STRUCTURES, TRAILERS AND OTHER METHODS OF ROADSIDE AND STREETSIDE SALES WITHIN THE CITY OF MOUNTAIN HOME, ARKANSAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS:

Section 1: It shall be unlawful for any person, firm or corporation to engage in any roadside or street side sales from a moveable outlet or where there is no outlet at all within the City of Mountain Home, without first having obtained an applicable permit from the Building Inspection Department. A fee of \$50.00 shall be charged by the Building Inspection Department at the time of application for a permit and such sum shall be paid into the General Fund of the City.

Section 2: The permit issued by the Building Inspection Department shall be valid for a maximum of thirty (30) days and may be extended by the City Council one time for up to thirty (30) additional days. No person, firm or corporation shall be allowed to engage in roadside and/or street side sales without having a valid permit from the Building Inspection Department.

Section 3: The trailer or other portable mechanism or location for roadside and/or street side sales, or portable structure must meet the following requirements:

- A. The trailer, or other mechanism for roadside and/or street side sales, or portable structure must meet the setback requirements of the City of Mountain Home Zoning Ordinance.
- B. The trailer, or other mechanism for roadside and/or street side sales, or portable structure must have proper distances between structures as set out in City ordinances and building codes.
- C. The trailer, or other mechanism for roadside and/or street side sales, or portable structure shall not be placed in a fire lane.
- D. Any electrical cords used in or about the trailer or other mechanism for roadside and/or street side sales, or portable structure shall meet the requirements of Chapter 43 of the Fire Code of the State of Arkansas.
- E. The trailer, or other mechanism for roadside and/or street side sales, or portable structure should have fire extinguishers when and where required by law.
- F. The trailer, or other mechanism for roadside and/or street side sales, or portable structure shall not be placed within thirty (30) feet of any exit or exit way.
- G. Any electrical wiring which is required by the trailer, or other mechanism for roadside and/or street side sales, or portable structure shall be installed by a licensed electrician.
- H. The trailer, or other mechanism for roadside and/or street side sales, or portable structure must have a letter approval from the Baxter County Sanitarian, if required by the Department of Health.
- I. No one possessing a thirty day Itinerate License at the time of the passage of this ordinance shall be allowed to apply for a permit created under the terms of this ordinance.

Section 4: The provisions of this Ordinance shall not apply to the Mountain Home Farmers Market, or to any other government or Mountain Home Chamber of Commerce sanctioned events.

Section 5: Any person, firm or corporation which fails to comply with the terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$100.00, nor more than \$500.00, and each day such violation of this Ordinance shall exist, shall constitute a separate offense.

Section 6: The provisions of this Ordinance shall be deemed severable. The invalidity, or unenforceability of any such section, clause, phrase, sentence or part thereof, shall not affect the validity, enforceability or constitutionality of any other section, clause, phrase, sentence or part thereof.

Section 7: All ordinances or parts of ordinances or amendments thereto, in conflict with this Ordinance are hereby repealed.

Section 8: It is essential to the health, safety and beauty of the City of Mountain Home to impose certain restrictions upon the use of trailers, mechanism for roadside and/or street side sales, and portable structures for concession and business operations. An emergency is therefore declared to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED this _____ day of _____, 2008

DAVID L. OSMON, MAYOR

ATTEST:

Anni Heizler, Deputy City Clerk