

ORDINANCE NO. 2020- 48

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR CERTAIN OUTDOOR AND MOBILE VENDORS DOING BUSINESS WITHIN THE CORPORATE LIMITS OF MOUNTAIN HOME, ARKANSAS

WHEREAS, mobile vendors have experienced a rise in popularity across the United States; and

WHEREAS, within the City of Mountain Home, Arkansas, there is an increased interest and demand for mobile vendors.

WHEREAS, the City of Mountain home, Arkansas, desires to support local small businesses and foster economic development; and

WHEREAS, the primary goal of the City of Mountain Home, Arkansas, is to serve and protect the health, safety, and welfare of the general public.

WHEREAS, there is a need to clarify and simplify the regulations for mobile vendors in order to facilitate and encourage mobile vendors to do business in the City of Mountain Home, Arkansas.

WHEREAS, the City of Mountain Home, Arkansas, wishes to promote stable vendors who will enrich the city's ambiance.

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

Section 1. Definitions

- A. **Mobile Food Vehicle** - 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** - any person that owns or operates a mobile food vehicle for the purpose of mobile vending, as defined.
- C. **Outdoor Vending** - 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** - 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.
- E. **Food Court** - a site that contains more than one outdoor vendor on a regular basis as the principal use of land.

Section 2. Application Process

A. Permit Required

- a. It shall be the responsibility of the Mayor or his designee to permit mobile vendors to do business within the corporate limits of Mountain Home.
- b. Operations on private property in areas zoned commercial or industrial shall require express written permission from the owner or designee.
- c. Operations on property owned by schools shall require express written permission from the school's governing body or its designee.
- d. Written-permission, must be present at the mobile vendor vehicle and available for inspection at all times.
- e. The provisions of this section shall apply to all mobile vendors who are providing a service within the corporate limits of Mountain Home.
- f. Mobile vendor operators shall obtain the following prior to conducting business in the City.
 - i. A current health inspection; food only
 - ii. A valid driver's license; and
 - iii. Vendors shall present a copy of the property owner's written authorization to operate on the designated property. The written authorization shall describe the approved location, and operation schedule.
 - iv. A valid mobile vendor business license issued from the City of Mountain Home, Arkansas.

B. Rules and Regulations

- a. General
 - i. Mobile vendors shall not stay in one location for longer than thirty days (30 days)
 - ii. Mobile vendors shall not operate on property zoned Residential.
 - iii. No operator of a mobile vehicle shall, stand or move a vehicle and conduct business within unauthorized areas of the City.
 - iv. The operator of a mobile vehicle is not granted or entitled to the exclusive use of the service location, in whole or in part, other than the approved time and place.
 - v. No mobile food truck shall provide any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters without prior approval from the City;
 - vi. All mobile food trucks shall offer a waste container for public use that the operator shall empty at his or her expense;
 - vii. Mobile food truck operators shall remove all trash at their expense. Mobile food truck operators shall not utilize dumpsters of other existing businesses without the permission of such businesses.
 - viii. Mobile vendors shall not conduct business while parked on a public street within the City of Mountain Home, Arkansas.
 - ix. No mobile vendor shall make or cause to be made any unreasonable or excessive noise in violation of City ordinances.
 - x. Hours of operation shall be based on what each location is zoned.

- b. Inspectional Services. The food truck applicant shall ensure compliance with all City and state health regulations for mobile vendors and mobile food vendors.

C. Licensing

- a. Each mobile vendor applicant shall obtain an annual business license.
- b. The following category shall be added to the occupational annual fee schedule: Mobile Vendor – (\$150.00)

D. Enforcement

- a. Fine for Violation. Any person operating a mobile business or service in violation of any provision of this ordinance may be subject to a fine of three hundred dollars (\$300.00) per day. Each violation daily shall constitute a separate and distinct offense.
- b. Enforcement. The provision of this section may be enforced by the City of Mountain Home Police Department.

Section 3. Exemptions

A. Special Events

- a. The provisions of this Ordinance shall not apply to special events on public property.
- b. The provisions of this Ordinance shall not apply to government or Mountain Home Chamber of Commerce sanctioned events.

B. Catering Events – The provisions of this ordinance shall not apply to residential and commercial private catering events.

C. Food Courts – Public food courts shall be exempt from this ordinance. However, vendors shall still abide by the rules and regulations of Ordinance 2020-25 (An ordinance regulating the operation of mobile food courts within the City of Mountain Home, Arkansas.)

Section 4. Previous Ordinances

Ordinance 2008 – 26 is hereby repealed. All other ordinances or parts of ordinances or amendments thereto, in conflict with this Ordinance are hereby repealed.

Section 5. Severability Clause

That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provisions shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases, or provisions.

Section 6. Emergency Clause

The City of Mountain Home, Arkansas, and its residents can be better served by the adoption of these streamlined regulations for mobile vendors; and being necessary for the immediate preservation of public

health, safety and welfare; an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

Hillrey Adams, Mayor

ATTEST:

Brian A. Plumlee, City Clerk