

ORDINANCE 2023- 17

AN ORDINANCE TO ESTABLISH STANDARDS FOR MOBILE FOOD/BUSINESS VENDORS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City of Heber Springs, Arkansas is authorized and empowered under the provisions of Arkansas Code Annotated 14-54-103 to establish and regulate markets, as well as regulate and license food vendors and operating mobile-based businesses.

WHEREAS the Heber Springs City Council finds it appropriate to enact regulations of commercial activity conducted and from mobile food/business vendors to ensure the orderly and safe operations of commerce within the city, minimize traffic obstruction or disruptions, maintain the appearance of commercial zones, and otherwise preserve the public health, safety, and welfare.

NOW, THEREFORE, be it ordained by the city council of the City of Heber Springs, Arkansas, as follows:

Section 1.

Mobile Food/Business Vendors

Mobile Food/Business Vendors is/are defined as any person or persons who operate or sell goods, food, drink, or snacks from a mobile cart, stationary cart, trailer, van, or similar chassis with or without an engine, door to door, or a tent.

- A. Mobile Food/Business Vendors shall not operate within the city right of way, city parks or other public or private properties without securing a license.
- B. Mobile Food/Business Vendors shall operate only on private property.
- C. Mobile Food/Business Vendors must be located on a paved surface or a parking area approved by the Code Enforcement Officer.
- D. Mobile Food/Business Vendors shall provide the city with a location permit, written permission or lease agreement from the property owner

allowing operation of the mobile business for the duration of the timeframe allowed by the permit.

- E. Mobile Food/Business Vendors shall secure a health permit, if applicable, from the Arkansas State Health Department prior to operation.
- F. Mobile Food/Business Vendors shall possess and display any required City or State tax permits as required.
- G. Mobile Food/Business Vendors shall not be located in fire lanes or block the ingress/egress to the area, cause traffic hazards, block sidewalks, streets or alleys.
- H. Mobile Food/Business Vendors shall provide garbage receptacles for customer use.
- I. During business hours and at the conclusion of business activities at a given location, the mobile vendor shall clean the area around the mobile establishment of all trash, litter and debris.
- J. The noise level of the mechanical equipment or outside sound equipment used by a mobile vendor shall not constitute a nuisance.
- K. Any lighting must be inward, downward, and shrouded so that the light source is not directly visible.
- L. Signage is limited to signs attached flat to the exterior of the Mobile Business structure. Signage used on umbrellas or similar fixtures may be used. All signage must comply with the requirements of Heber Springs Zoning Code.
- M. Tents/Inflatable Structures may be used for temporary events or sales. Approval from the Fire Marshall is required for tents larger than 200 square feet in area.
- N. Any person or operator engaged in the temporary sale or display of items not authorized herein, or operating outside the scope of their authorized

permit, or otherwise in violation of this Ordinance shall be subject to immediate citation by either Police or Code Enforcement officer for violation of a City Ordinance and, upon conviction, shall be subject to a fine not less than \$25 but not more than \$100, plus court cost for each day in violation.

O. A recreational vehicle may not be used by a Mobile Food Vendor or Office.

EXEMPTIONS: The following activities, businesses, and or persons are generally exempt from the requirements of this regulation: childrens lemonade stands; stands used to sell or distribute flowers, fruit, vegetables, produce or plants grown on the property where the stand is located; delivery or distribution of food by or for any non-profit organization, governmental agency, or other charitable organization. Contractors for services of construction, lawn care, or other services within the city limits where a business license is required.

Mobile Food/Business Vendors Permit: Mobile Food Vendors/Business Vendors utilizing a mobile structure where employees primarily work from within the structure and food or goods are prepared and/or dispensed through a window are required to obtain a mobile food vendor/business vendor permit prior to moving the mobile structure onto a parcel or lot. The permit will be valid for twelve (12) months and must be renewed annually. The fee shall be \$250. It must meet all guidelines and regulations within this ordinance as well as zoning regulations set forth in this ordinance. Approval of the site plan by the Heber Springs Planning Commission for the mobile food/business vendor must be obtained prior to the issuance of the permit.

Fees

All Mobile Food Vendor/Business Vendor permits have a fee of \$250.00 per year to file an application with the City to receive a permit. The period paid for the permit will be for 1 year from date of purchase.

Section 2.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 3.

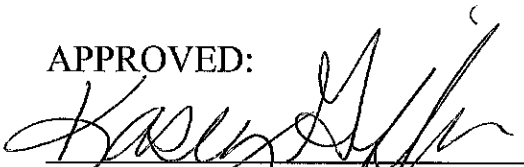
The provisions of this ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases, or provisions.


Section 4.

Due to the need to establish procedures for the regulation of Mobile Food Vendors/Business Vendors for the protection of the health, safety and welfare of the City and its residents, an emergency is declared to exist and this Ordinance shall become effective immediately upon and after passage.

PASSED this 16th day of November, 2023.

APPROVED:


Kasey Griffin, Mayor


Vicki McPherson, City Clerk