

**THE CITY OF VILONIA, ARKANSAS
ORDINANCE NO. 2018 - 1**

**THIS ORDINANCE IS TO ESTABLISH STANDARDS FOR MOBILE
FOOD/BUSINESS VENDORS.**

WHEREAS, the City of Vilonia, 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 Vilonia 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 obstructions or disruptions, maintain the appearance of commercial districts, and otherwise preserve the public health, safety and welfare.

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

SECTION 1:

MOBILE FOOD/BUSINESS VENDORS

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

- a. Mobile Food/Business Vendors shall be allowed in the TC - Town Center and HMU - Highway Mixed use districts only.
- b. Mobile Food/Business Vendors shall not operate within the city right of way, city parks or other public or private properties without securing a City Privilege Tax.
- c. Mobile Food/Business Vendors shall operate only on private property.
- d. Mobile Food/Business Vendors must locate on a paved surface or approved parking area that must be approved by the Code Enforcement officer.
- e. Mobile Food/Business Vendors shall provide the city with written permission or lease agreement from the property owner allowing operation of the mobile business for the duration of the time frame allowed by the permit.

- f. Mobile Food/Business Vendors shall secure a health permit from the Arkansas State Health Department prior to operation.
- g. Mobile Food/Business Vendors shall possess and display any required City or State tax permits as required.
- h. Mobile Food/Business Vendors shall not locate in fire lanes or block the ingress/egress to the area, cause traffic hazards, block, sidewalks, streets, or alleys.
- i. Mobile Food/Business Vendors shall provide garbage receptacles for customer use.
- j. 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.
- k. The noise level of mechanical equipment or outside sound equipment used by a Mobile Food/Business Vendor shall not be a nuisance.
- l. Any lighting must be inward, downward, and shrouded so that the light source is not directly visible.
- m. Signage is limited to signs attached flat to the exterior of the Mobile Food/Business structure. Signage used on umbrellas or similar fixtures may be used. All signage must comply with signage requirements found elsewhere in the Vilonia Zoning Ordinance.
- n. Tents/Inflatable Structures may be used for temporary events or sales. Approval from the Fire Marshall will be needed for tents larger than 200 square feet in area.

EXEMPTIONS: The following activities, businesses, and or persons are generally exempt from the requirements of this regulation: Portable 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, goods or products ordered or purchased by customers from a point of sale other than a Mobile Food/Business Vendor; Delivery or distribution of food by or for any not-for-profit organization, governmental agency, or other charitable organization. This includes the Vilonia Handmade & Homegrown Market.

Mobile Food/Business Vendor Permit: Mobile Food/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/business 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 \$250.00. 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 Vilonia Planning Commission for the mobile food/business vendor must be obtained prior to the issuance of the permit.

Special Events: The Mayor may grant special event exceptions for community wide events which bring benefit to the community as a whole. At the Mayor's discretion, no fees will be paid by vendors. These events may not meet normal Zoning Ordinance requirements. At the Mayor's discretion, a tent or awning, or in special circumstances, a building which exceeds the dimensional requirements of this ordinance may be granted for a mobile food/business vendor.

- o. Any person or operator engaged in the temporary sales or displays 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 the Police or Code Enforcement officer for violation of a City Ordinance. Upon conviction, be subjected to a fine of not less than \$25.00 but not more that \$100.00 plus court cost for each day in violation.

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

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: It is hereby found and determined that efficient regulation of Mobile Food/Business Vendors is necessary to the health, safety and welfare, of the public; THEREFORE, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.