

Ordinance No. O-18-10

AN ORDINANCE REGULATING THE OPERATION OF MOBILE FOOD VENDORS (“MFV”) IN THE CITY OF ARKADELPHIA, ARKANSAS; REQUIRING A PERMIT; AND FOR OTHER PURPOSES.

WHEREAS: In an effort to support and regulate mobile food vending inside the city limits of the City of Arkadelphia, Arkansas this ordinance was developed; and

WHEREAS: The Board of Directors of the City of Arkadelphia formed a subcommittee to find a solution that both MFVs and site built restaurants would be in agreement with; and

WHEREAS: Like many municipalities, Arkadelphia is realizing a resurgent interest in MFVs and shall examine its current policies; and

NOW, THEREFORE, BE IT RESOLVED BY THE ARKADELPHIA CITY BOARD OF DIRECTORS;

Section 1 – Definitions:

A. Mobile Food Vendor (“MFV”): means a portable push cart or a vehicle mounted food service establishment designed to be readily movable and approved by law to travel highways, roadways, and/or waterways in the state of Arkansas that is a self-contained mobile food establishment equipped with permanently mounted fresh water holding tanks and waste holding tanks as set forth by the Arkansas Department of Health.

B. Permit: means the document issued by the regulatory authority that authorizes mobile food vending.

C. Regulatory authority: means the local, state, or federal enforcement body or authorized representative having jurisdiction over MFVs.

D. Employee: the permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working with a MFV.

E. Permission Letter: means the letter provided by the City of Arkadelphia for allowing a MFV to operate on privately owned property within city limits.

F. Operate: means selling food from a MFV directly to the public for immediate consumption.

G. Catering: means a MFV being paid to provide food and service to a group, and not directly to the public.

Section 2 - Rules and Regulations:

A. All MFVs shall comply with all applicable rules and regulations pertaining to food establishments set forth by the regulatory authority of the Arkansas Department of Health and will be held in compliance by that body.

B. MFVs shall apply for a mobile food permit after first obtaining an Arkansas Department of Health permit.

C. MFVs can apply for a mobile food permit at the Arkadelphia Building Department at no charge.

D. MFVs shall renew their permit every calendar year. (January 1 – December 31)

E. MFVs shall have proof of sales tax and use permit. The City Treasurer shall check sales tax every year to ensure the sales taxes are being paid by the owner of a MFV.

F. MFVs shall keep their permit prominently displayed in the vehicle. This permit shall be visible for inspection. MFVs shall also display all other department permits and/or licenses as required by any regulatory authority.

Section 3 - Operations Rules and Regulations

A. MFVs shall not set up in any city owned parking lot or parking space, residential zone or city park, with the exception of Central Park, Feaster Park and the Youth Sports Complex.

B. MFVs shall operate between the hours of 7:00 a.m. and 11:00 p.m.

C. MFVs shall have written permission from the property owner to operate. The permission letter is available on the City of Arkadelphia's website www.cityofarkadelphia.com.

D. MFVs shall keep permit and permission letter(s) readily available in the vehicle for inspection.

E. MFVs shall set up 100 feet or more from a site built/established restaurants front door with the exception of mobile catering.

F. In the event that a site built restaurant locates within 100 feet of an active MFV after the adoption of this ordinance, the parcel of land containing the MFV shall be exempt from the 100 feet rule. Said parcel of land will also be exempt from the 100 feet rule if it has contained an active MFV within the past calendar year.

G. MFVs shall not impede access to the entrance/exit or driveway of any adjacent building.

H. MFVs shall not obstruct sight distance for drivers.

I. MFVs shall keep area in and around food truck free of debris including but not limited to providing receptacles for trash for use by customers of the MFV.

Section 4 - Severability – If any section of this ordinance shall be declared unconstitutional or unlawful, only that section of the ordinance shall be affected and all other provisions of the ordinance shall remain in full force and effect.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED this 4th day of December, 2018

APPROVED:


James Calhoun, Mayor

ATTEST:


Jessica Davis, City Clerk