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AN ORDINANCE TO AMEND ORDINANCE 92:907 AND SECTION 14, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, BY CLARIFYING SECTION 14.25 TO REGULATE THE USE AND LOCATION OF COMMERCIAL TRAILERS AND MOBILE VENDING UNITS.

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WHEREAS, the primary purpose of the public streets and sidewalks is the use by vehicular and pedestrian traffic, and

WHEREAS, vending in public areas and areas along the many street corridors can cause visual clutter and impede on both the vehicular and pedestrian environment, and

WHEREAS, reasonable regulation of mobile vending is necessary to protect the public health, safety and welfare, and

WHEREAS, the regulations contained in this ordinance do not prohibit free speech but merely regulate activities which are commercial in nature, and

WHEREAS, the granting of business licenses for the use of public streets and the making of charges therefore are authorized by Jonesboro Code of Ordinances, Title 4: Business Licenses and Regulations and are subject to such conditions as the Council may impose to protect the public interest, welfare and convenience.

WHEREAS, it shall be unlawful to vend on public sidewalks and public right of ways near venues that attract large pedestrian crowds on event days,

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO THAT:

SECTION 1: 14.25.01 PURPOSE. The purpose of this ordinance is to establish standards to regulate the use and location of commercial trailers in the City of Jonesboro. These standards are necessary to promote public safety and preserve property values.

SECTION 2: 14.25.02 APPLICABILITY. This ordinance shall apply to any commercial trailer or vending stand that is transported to property within the City limits of Jonesboro. A commercial trailer or vending stand is defined as a transportable structure not permanently attached to the ground which is used on a short-term basis to conduct a commercial activity such as, but not limited to, the sale of merchandise or food. Vending carts and tables shall be included in this definition.

SECTION 3: 14.25.03 GENERAL PROVISIONS. The following provisions shall apply to commercial trailers.

(A) Commercial trailers and vending stands shall be permitted only in zoning districts which permit the specific use for which the trailer is intended as permanent sited location, unless

otherwise allowed by this ordinance.

(B) Prior to locating a commercial trailer or vending stand on any parcel, a building permit must be obtained. The trailer or stand must be permanently attached to a foundation with an approved permit issued. Only one commercial trailer is permitted on each parcel, unless provide for otherwise within this ordinance.

(C) At the time a building permit is requested, a site plan shall be provided of the parcel on which the trailer is to be located. The site plan shall show the boundaries of the parcel, all existing buildings and their dimensions, parking areas and the number of spaces, and the proposed location of the trailer. When applicable, a State Health District approval letter shall accompany the permit application for products under the jurisdiction of the State Health District. Use of the commercial trailer or vending unit shall not commence until a final occupancy certificate is issued by the Building Department.

(D) A minimum of three parking spaces shall be provided for the use of employees and customers. This requirement is in addition to the number of parking spaces required for the existing buildings on the parcel. The trailer or stand may not be placed on the parcel if its placement would cause the parcel to no longer meet the zoning ordinance requirement for minimum number of parking spaces.

(E) The trailer must meet the minimum setback requirements for the zoning district in which it is located. In no instance may a commercial trailer or vending stand be located within a public right of way, unless otherwise permitted by this ordinance.

(F) The trailer/unit must be inspected by the City Electrical Inspector to ensure the safety of the outside electrical connections.

(G) The trailer must not be placed in a location which may be unsafe for its occupants, customers, and the vehicles which must pass by.

#### SECTION 4: Special Exceptions and Exempted Activity:

1. Seasonal Inventory Trailers shall be permitted by permit for a period not to exceed 3 months, and must be placed in the rear yard of the subject property or docking area.
2. Vending units shall be permitted in the Industrial Park Area at manufacturing plants zoned I-2 Industrial, for a time duration not to exceed 2 hours, with a permit application including an approval letter from the ownership provided to the Planning Department.
3. Vending units shall be permitted at city-wide amusement fairs, festivals, parades, athletic events and games, if and only if, the business representative secures a valid business license after giving proof of owner's consent.
4. Sidewalk sales that are located at the front entrance to the building structure, and not in

parking areas nor along public right of ways shall be exempt from this ordinance if the products sold are part of the principal use of the commercial property. Inventory sales shall satisfy all applicable building setbacks for the associated Zoning District.

5. Ice cream trucks shall be exempted from this ordinance, but must not be in business at an extended and stationary location.
6. Temporary Tent Sales shall be permitted in areas Zoned for C-3 Commercial for a maximum of 30 days; the structure must be placed no closer than 35 ft. to any right of way line, and required parking for the principal use must not be utilized by the tent location. The business representative must secure site plan review and a valid business license after giving proof of owner's consent.

SECTION 5: It is found and declared by the City Council that an emergency exists and this Ordinance, being necessary for the preservation of public peace, health and safety, shall take effect from and after its passage and approval.

SECTION 6: Conflict - If any part of this Section is found to be in conflict with any other Section of the Zoning Ordinance or with any other Ordinance, the most restrictive or highest standard shall prevail. If any part of this Section is explicitly prohibited by Federal law or state statute that part shall not be enforced.

PASSED AND APPROVED THIS 19<sup>th</sup> day of February, 2008.