

Proposed Text Amendments: Mobile Vending- Hot Dog Vending Units

EXISTING ORDINANCE IN BLUE/ PROPOSED TEXT AMENDMENT IN RED

Sec. 117-258. - Mobile vending trailers.

(a)

Purpose. The purpose of this section is to establish standards to regulate the use and location of commercial trailers in the city. These standards are necessary to promote public safety and preserve property values.

(b)

Applicability. This section shall apply to any commercial trailer or vending stand that is transported to property within the city. 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.

(c)

General provisions. The following provisions shall apply to commercial trailers.

(1)

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 section.

(2)

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 provided for otherwise within this section.

(3)

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.

(4)

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.

(5)

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 this zoning chapter requirements for minimum number of parking spaces.

(6)

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 section.

(7)

The trailer unit must be inspected by the city electrical inspector to ensure the safety of the outside electrical connections.

(8)

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

(9)

Special exceptions and exempted activity.

1.

Seasonal inventory trailers shall be permitted by permit for a period not to exceed three 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 two hours, with a permit application including an approval letter from the ownership provided to the planning department.

3.

Vending units shall be permitted at citywide 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 rights-of-way shall be exempt from this section 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 section, 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 feet 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.

(Zoning Ord., §§ 14.25.01—14.25.04; Ord. No. 08:005, 2-20-2008)

The following language is suggested to be drafted as an Ordinance to allow limited vending of hot dog carts in the Downtown Area.

d. Itinerant Street Vendors Units

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

- i. *Administrator* means the Planning Director of the City of Jonesboro, Arkansas, or the designee;
- ii. *City* means the City of Jonesboro, Arkansas;
- iii. *Itinerant street vendor* means a person dispensing food, goods, materials or services from a unit or other contrivance operated on the streets and sidewalks. This term shall not include or apply to a "temporary open air enterprise" or a "mobile vending units" as those terms are defined in Section 117-258 (a.) 117-258 (c.) herein such as: Concession trailers, Walk-in concession stands, charcoal smoke creating pit/trailers, tables and tents vending accessory and non-food items,

(2) *Operating permit required.*

(1) No person shall operate as an itinerant street vendor in the city, except as expressly permitted under this article.

(2) Each itinerant street vendor, in addition to a city business license, must obtain an annual operating permit from the city and business license renewal.

(3) Prior to issuing an operating permit, the city will inspect each ice cream truck and itinerant street vendor unit to ensure each unit is in a mechanically safe condition, and that all such units meet the equipment specifications of subsection (d) herein. The inspection will be conducted by the administrator.

(3) *Equipment specifications.* All itinerant street vendor units shall be equipped with the following:

(a.) Signs or decals on both the front and the rear of the unit identifying the unit as an itinerant street vendor and displaying the words "SLOW CHILDREN CROSSING" in distinctive lettering at least six inches in height which is visible at 300 feet to the front and rear in normal sunlight upon a straight level roadway or highway.

(b.) A sign or decal that is visible at all times with the business address and telephone number of the business license holder printed on the side of the unit in letters of not less than two inches in height.

(c.) A trash receptacle to dispose of all litter that is generated from products sold from the ice cream truck or itinerant street vendor unit.

(4) *Operational requirements/Operator permit required.*

a. *Required.* No person shall operate an itinerant street vendor unit in the city, and no person who owns or controls an itinerant street vendor unit shall permit it to be so operated at any time, unless the operator of said itinerant street vendor unit shall have first obtained and shall then have in force an itinerant street vendor unit driver's permit issued under the provisions of this chapter.

b. *Qualifications.* No itinerant street vendor unit driver's permit shall be granted unless the applicant is at least 18 years of age, has a valid state issued driver's license, and the applicant has no active suspension on his or her driving privileges in any state. Further, no permit shall be issued if the applicant has been convicted of a felony in the past five years. Further, no permit shall be issued if the felony conviction was for a sexual offense, an offense involving drugs, or the use of a firearm in the commission of the offense, or if it was a violent felony, regardless of when the felony occurred (there is no five-year limitation for these types of felony crime).

(5) *Application for Permits.* Any person desiring an itinerant street vendor unit driver's permit shall apply in writing to the administrator. The form of such application shall be developed by the administrator and shall include, but not be limited to, the age, name and address of the applicant. The police department shall also have the authority to require additional documentation, as needed, to process the application.

- a. When the application is approved, the itinerant street vendor unit driver's permit shall be issued in card form designed by the administrator. The photograph of the driver shall be attached to the card. Each driver will be given an itinerant street vendor unit driver's permit which will be on such permit. This card shall be posted in a prominent place in the itinerant street vendor unit and shall be shown to any customer, police officer, or code enforcement officer upon request. Only one permit shall be posted in an itinerant street vendor unit at any time.
- b. Acknowledgment of application. The applicant shall acknowledge with any application that he or she understands that the itinerant street vendor unit permit, if granted, will be for a specific period of time not to exceed one year, and an annual review and approval will then be required for renewal of the permit.
- c. Permit Issuance& Renewal Procedure:
Itinerant Street Vending shall only be available for permit approval at the following approved locations within the C-1 Downtown District:

Permit locations shall be restricted to the approved and adopted Locations V-1 thru V-14. Mapped locations shall be maintained in both the Planning Department and City Collector's Office at all times. Permits shall be issued for period durations of 12 months. Upon expiration, the itinerant vendor shall apply for permit renewal with the Office of the Planning Director. Once all 14 approved locations are committed and reserved as permitted sites, the Director shall generate a waiting list of applicants hoping to locate at one of the adopted 14 approved locations. Once slots become available, the waiting list shall continue to rotate. If at time of expiration, no vendor is awaiting unit location assignment, a vending renewal may be approved and renewed at same said location or any available selected slot.

- (6) *Cleanliness required.*
 - (a.) The interior and exterior of each itinerant street vendor unit, and all equipment therein, shall be kept clean and sanitary and maintained in good repair at all times.
 - (b.) The interior and exterior of each vending unit shall comply with all local, state, and federal codes and regulations governing the sale and distribution of food products.
 - (c.) Trash canisters shall be visibly available and all associated trash and waste collection within the perimeter of the vending unit shall be the responsibility of the vendor.
- (7) *Vending Location Restrictions.*

- a. No itinerant street vendor shall vend within 500 feet of any property used as a school from one hour before the regular school day to one hour after the regular school day; provided, this subsection shall not apply on days when school is not attended by children.
 - b. No itinerant street vendor may vend before the ice cream truck or itinerant street vendor unit is lawfully parked or stopped.
 - c. Itinerant street vendors may only vend from the side of the unit that is away from moving traffic and as near as possible to the curb or edge of the roadway or street.
 - d. No itinerant street vendor may vend to a person standing in the roadway.
 - 1. No itinerant street vendor may vend in areas that will cause non-compliance with the City of Jonesboro Code of Ordinance Sections: Sec. 66-188 - Obstructing traffic and Sec. 117-327 - Corner visibility.
 - e. Only individually pre-packaged products or items may be sold from itinerant street vendor units, unless the itinerant street vendor unit has been issued a health department permit from the State of Arkansas Department of Health.
 - f. A copy of a current, valid health department permit from the State of Arkansas, or a letter from the State of Arkansas Department of Health stating that no permit is required, must be on file in the city collector's office and must also be carried in the itinerant street vendor unit.
 - g. A current city operating permit issued to the individual itinerant street vendor unit must be visibly displayed on the itinerant street vendor unit.
- (8.) *Penalty for violations.* Any person violating any of the provisions of this article shall be subject to a fine as provided by the Code of Ordinances of the City of Jonesboro, Arkansas. In the event of a continuing violation, each and every day the violation continues is considered a separate and punishable violation. Each sales transaction completed in violation of the terms of this subchapter shall be considered a separate violation.