

ORDINANCE 2020-03

AN ORDINANCE REGULATING MOBILE FOOD VENDORS OPERATING IN THE CITY OF GASSVILLE, ARKANSAS. DEFINING MOBILE FOOD VENDORS, ESTABLISHING ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND FOR OTHER PURPOSES.

WHEREAS: there is an increased interest and demand for mobile food vendors within the City of Gassville; and

WHEREAS: City Planning and Zoning regulations do not address mobile food vendors operating in the City of Gassville.

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

SECTION 1. DEFINITIONS.

- A. MOBILE FOOD VENDOR:** Any person(s) engaged in the business of preparing or distributing food or beverages for human consumption with or without charge from a mobile (wheeled) vehicle, trailer or cart including temporary tents or stands in the City of Gassville.
- B. LICENSED BUSINESS OWNER :** The named person to whom the business permit will be issued (responsible party).
- C. MAYOR:** The day to day manager of the City of Gassville.
- D. CITY COUNCIL:** The governing body of the City of Gassville.
- E. POLICE DEPARTMENT:** Any officer showing proper credentials of the City of Gassville Police Department.
- F. FIRE CHIEF:** Department Head of the City of Gassville Volunteer Fire Department. responsible for fire code inspections.
- G. BUILDING INSPECTOR:** The certified official for the City of Gassville responsible for conducting all applicable building, electrical and signage inspections and permits.
- H. HEALTH DEPARTMENT:** The Arkansas Department of Health, or the Baxter County division thereof, responsible for inspection of food preparation and services.

SECTION 2. PERMISSIVE ZONING/APPLICATION.

- A. All Mobile Food Vendors** are required to operate in commercial zoned areas within Gassville and are to have written permission (copy provided to the City, confirmed by the Mayor or his designee) from the property owner or their designee before applying for a business license.
- B.** Operating hours will be compatible with C-1 or C-2 designations within the City Planning & Zoning Regulations (see Ord. 98-08).
- C.** All applicable permits, licensing, and permission letters must be available for inspection at all times.

SECTION 3. LICENSING REQUIREMENTS/INSPECTIONS.

- A. All Mobile Food Vendors in the City of Gassville shall be required to have and maintain the following licenses in order to operate.
 - 1. A current Health Department inspection.
 - 2. A valid driver's license (copy attached to business license).
 - 3. A current NFPA Standards fire inspection performed by the Fire Chief.
 - 4. A valid Business license from the City of Gassville.
- B. The Mobile Food Vendor applicant shall ensure compliance with all City and State requirements for inspections of their vehicles, trailers, carts, tents or stands.
- C. City inspections shall be conducted any time during normal business hours.

SECTION 4. RULES AND REGULATIONS (GENERAL).

- A. No Mobile Food Vendor shall park their vehicles, trailers, carts, or conduct operations in any unauthorized area of the City.
- B. All Mobile Food Vendors shall offer a waste (trash container) at their expense and shall not utilize dumpsters of existing businesses without the permission of the business owner.
- C. Mobile Food Vendors shall not make or cause to be made any excessive noise in violation of City ordinances.
- D. Mobile Food Vendors shall not provide or allow any dining area including but not limited to tables, chairs, booths, bar stools, benches or standup counters without prior approval of the City Council. (Purpose is get it to go or take home).
- E. Mobile Food Vendors shall not cause or make to cause any obstruction of parking or clear view of traffic flow in the operation of their business.
- F. Any signs associated with the Mobile Food Vendor operation shall be approved by the City Building Inspector in accordance with the City sign ordinance (see Ord. 2004-10).

SECTION 5. ENFORCEMENT/VIOLATION PENALTIES.

- A. Enforcement of any violation of any provisions of this ordinance shall be by the Gassville Police Department in consultation with the Gassville Fire Dept. and the City Building Inspector.
- B. Any person convicted of violating the provisions of this ordinance in The District Court (Gassville) shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty-dollars (\$50) nor more than two-hundred fifty dollars (\$250) per day. Each day constituting a separate and distinct offense.

SECTION 6. EXEMPTIONS.

The following shall be exempt from the provisions of this ordinance:

- A. Mobile Frozen Treat Vendors (Ice Cream Trucks) properly licensed by the City.
- B. Any company, firm or corporation delivering food in normal operations to residents.
- C. Any festival or special event that is approved by the City Council to be held in City parks or property owned by the City of Gassville.

SECTION 7. SEVERABILITY.

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 of the ordinance.


SECTION 8. CURRENT MOBILE FOOD VENDORS.

All current Mobile Food Vendors operating in the City of Gassville shall adhere to the provisions of this ordinance thirty (30) days after the date of adoption of this ordinance. No current Mobile Food Vendor operating at the time of the adoption of this ordinance shall be "grandfathered" by any section, phrase, or provision of this ordinance.

ADOPTED THIS 17th DAY OF November 2020.

APPROVED:

ATTEST:



JEFF BRAIM, MAYOR



JEFF LEWIS, RECORDER/TREASURER