

# **ORDINANCE NO. 1892**

## **AN ORDINANCE TO PROVIDE REGULATIONS FOR MOBILE FOOD VENDORS WITHIN THE CITY OF EL DORADO, ARKANSAS**

**WHEREAS**, mobile food trucks have significantly grown in population in recent years and have become an expected component of many types of public and private events, this Ordinance will establish regulations while protecting the health, safety, and welfare of the City of El Dorado, Arkansas; and

**WHEREAS**, it is recommendation of this Council to adopt regulations for mobile food vendor to ensure compliance with health and safety regulations and to reasonably restrict the locations and durations of such temporary facilities; and

**WHEREAS**, it is the desire of this Council to enact such Ordinance entitled "Mobile Food Vendors"

**NOW, THEREFORE, BE IT ORDAINED** by the El Dorado City Council, that:

### **SECTION 1. Definitions**

A. Mobile Food Vendor ("MFV"). Any trailer, portable push cart, or a vehicle mounted food service establishment designed to be readily movable and/or approved by law to travel highways or roadways, in the state of Arkansas that is a self-contained mobile food establishment. MFV must be self-sustaining and if required equipped with permanently mounted fresh water holding tank(s) and waste holding tank(s) as set forth by the Arkansas Department of Health

B. Permit. The document(s) issued by the regulatory authority that authorizes mobile food vending.

C. Regulatory Authority. Local authorized representative having jurisdiction over MFVs

D. Operator 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 The letter provided by the City of El Dorado for allowing a MFV to operate on privately owned property within city limits.

F. Operate: Selling food from a MFV directly to the public for consumption

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

## **SECTION 2. Mobile Food Vendors.**

### **A. Scope**

1. The provisions of this ordinance shall apply to mobile food vendors engaged in the business of cooking, preparing, and distributing food or beverage, with or without charge, from a mobile food vendor on or in public or private spaces,
2. MFV shall not operate on any public street, city right-of-way, public sidewalk, and any area zoned as residential;
3. Operations on private property in areas zoned commercial or industrial shall require express written permission from the owner or designee;
4. MFV operating at a fixed location must provide the City Collector with proof of ownership or a signed lease when obtaining their annual permit;
5. Operations on property owned by schools shall require express written permission from the school's governing body or its designee;
6. Operations at any public park will require permission from the Parks and Playground Commission or their designated representative;
7. The provisions of this section shall not apply to concessionaire operations and agreements managed by the El Dorado Parks and Recreation Department;
8. Mobile Food Truck operators shall obtain the following prior to conducting business in' the City:
  - I. Valid city business license;
  - II. Current health inspection;
  - III. Valid driver's license,
  - IV. Proof of vehicle registration,
  - V. Proof of current insurance;
  - VI. Proof of a tax identification number;
  - VII. Current fire inspection, and
  - VIII. Current code enforcement inspection.
9. Any written permission, permits, and health inspection certificates must be visibly posted on the mobile food vendor and available for inspection at all times;

10. Non-profit organizations are required to check with the City Collector concerning a business license and receive a letter of exemption. Non-profits are required to meet all inspection standards;

11. Mobile frozen treat vendors (ice cream trucks) that circulate neighborhoods, moving from place to place, with limited stops, must comply with permit and inspection requirements. Mobile frozen treat vendors are allowed to operate in residential areas, and

12. Catering operations for private events are not subject to zoning restrictions

## **B. Rules and Regulations**

1. Mobile food vendor shall not park, stand, or move a vehicle and conduct business within unauthorized areas of the City;

2. No mobile food vendor shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters without prior approval from code enforcement; 3. All mobile food vendors shall offer waste container for public use that the operator shall empty at his or her own expense;

4. Mobile food vendor operators shall remove all trash at their own Expense;

5. Mobile food truck operators shall not utilize dumpsters of other existing businesses without the permission of such businesses;

6. No mobile food vendors shall make or cause to be made any unreasonable or excessive noise in violation of City ordinances;

7. MFV may conduct sales while parked on a public street when the City has approved a temporary street closure for an approved event such as a street festival or street fair;

8. Operators must maintain a minimum of a fifteen (15) foot distance from any building or structure;

9. Operations must not interfere with or cause issues with the normal movement of vehicles both on public streets and/or private parking lots. A minimum distance of 15 feet from the roadway edge shall be enforced:

10. MFV shall not block or obscure property access points, fire hydrants, other safety features, or reduce access for emergency vehicles, and

11. The City reserves the right to temporarily move a mobile food vendor to a nearby location if the approved location needs to be used for emergencies, or other public purpose

### **C. Inspectional Services**

1. The operators shall ensure compliance and maintain all city and state health regulations for mobile food truck vendors;
2. Prior to a city business license being issued MFV are required to obtain an annual fire inspection from the El Dorado Fire Department,
3. The City Code Enforcement officer shall certify MFV plumbing and gas systems annually. MFV must provide proof of a current gas pressure test from a licensed plumber, and if MFV is going to operate on a weekend then a permit must be obtained by 12:00 noon on the Friday before the weekend or it cannot operate that weekend.
4. Inspections are performed during normal business hours MFV must schedule an appointment with the Fire Department and Public Works to obtain the required inspections. and
5. Inspection standards for Mobile Food Vendors will be adopted from the current version of the National Fire Protection Association, International Fire Code, and other applicable standards governing mechanical, electrical, and plumbing operations.

### **D. Operation of Mobile Food Vendors**

- 1 Any MVF being operated without a permit issued by the City shall be deemed a public safety hazard and may be ticketed and/or impounded;
- 2 No MFV shall be parked on the street or public property overnight, unless present at the location as part of the public event, or left unsecured at any time food is kept onsite. Any mobile food truck which is found to be unsecured shall be considered a public safety hazard and may be ticketed and/or impounded, and
3. A mobile food vendor operating outside of an approved site, at an unauthorized location, or beyond the hours for which the operation has been permitted shall be deemed operating in violation of this section and may be subject to enforcement under this section.

## E. Enforcement

1. Any person operating a mobile food truck or service in violation of any provision of this section may be subject to a fine of three hundred dollars (\$300) per day. Each day violation shall constitute a separate and distinct offense, and
2. The provision of this section may be enforced by the El Dorado Police Department, the El Dorado Fire Department, and the El Dorado Code Enforcement Office. SECTION

## SECTION 3: PUBLIC FOOD COURTS

1. The City of El Dorado has established areas for MFV to operate on public property.
2. On designated public areas the operator is not granted or entitled to the exclusive use of the service location, in whole or in part, other than the approved time and place.
- 3 Daily hours of operations on public parking areas will be from 0600 to 2200 hours unless specific written permission is given by the Public Works office.
- 4 Mobile Food Vendors on public parking areas must be moved daily.
5. MFV that wish to use these "public areas? must obtain a parking permit from the city collector Parking is limited and permits are sold on a first come basis at City Hall. Parking fees are as follows:

### Location with No Utilities:

Day Pass	\$10.00	
Per Week	\$60.00	(Monday through Sunday)
Per Month	\$250.00	(Starts on 1S of the month)

### Location with Utilities:

Day Pass	\$15.00	
Per Week	\$100.00	(Monday through Sunday)
Per Month	\$250.00	(Starts on 1s of the month)

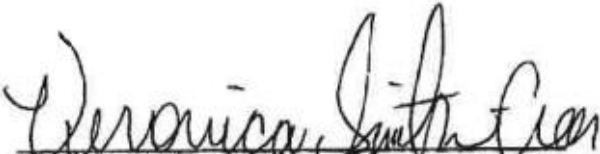
6. Operators are not allowed to provide outdoor chairs and tables on public property. The city will establish an area at each food court to allow public use of tables and chairs. These will be provided either by the city, non- profits, or corporate sponsors.
7. Department of Public Works will establish rules for operation on public property.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

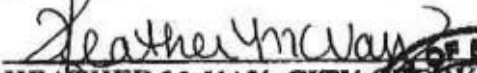
**SECTION 5:** That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

**SECTION 6:** Mobile Food Vendors provide a convenient alternative for food selections: the City and its residents can best be served by adoption of these streamlined regulations for mobile vendors; and being necessary for the immediate preservation of the public health, safety and welfare; 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.

Adopted this 24th day of January, 2022.

  
VERONICA SMITH-CREER, MAYOR

ATTEST:

  
HEATHER McVAY, CITY CLERK



# Property Use Letter of Authorization

## Property Information

Address: 2117 N. College Ave.  
El Dorado, AR 71730  
Description: DP's Food Truck Park LLC

## Property Owner Information

Contact: Marty Rosson  
Phone: 870-665-6552  
Email: [dpfoodtruckpark@gmail.com](mailto:dpfoodtruckpark@gmail.com)  
Address: 2117 N. College Ave.  
El Dorado, AR 71730

## Transient Peddler Informtion

Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

I hereby acknowledge and give the Transient Peddler above permission to use my property listed above starting on \_\_\_\_/\_\_\_\_/\_\_\_\_ through \_\_\_\_/\_\_\_\_/\_\_\_\_. I understand if an extension is requested that I will have to submit an additional authorization form.

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date



City Collector  
 204 North West Avenue – PO Box 2170  
 El Dorado, AR 71730  
**Phone:** 870-881-4867 **Fax:** 870-881-4164  
**Email:** Collector@eldoradoar.org

## NEW SCHEDULE A OCCUPATION LICENSE RETAIL/FOOD TRUCK

Please complete, sign and date the form below.  
 Renewal deadline is February 4<sup>th</sup> 2023 to avoid 10% penalty.  
 Make checks payable to the City of El Dorado

Business Name: \_\_\_\_\_

Business FEIN/DBA: \_\_\_\_\_

Owner’s Name \_\_\_\_\_

Email Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Emergency Number: \_\_\_\_\_

***Required Documents: \*Copy of Sales and Use Tax ID#***

***\*Copy of FEIN or DBA***

***\*Copy of Health Certificate***

***Schedule A Fee      \$30.00***

### AFFIDAVIT

I, \_\_\_\_\_ do solemnly swear that the statement given above is true and correct to the best of my knowledge.

\_\_\_\_\_  
 Authorized Signature & Date