

# Mobile Food Vending Ordinance Comparison Chart

## Outdoor Mobile Food Vending Regulations Comparison Chart

	<b>Fort Smith</b>	<b>Fayetteville</b>	<b>Little Rock</b>	<b>Tulsa</b>
Zoning Districts	C-2, C-3, C-4, C-5 & I-1. Food trucks/trailers are not permitted in the downtown (C-6) zoning district	Select commercial and mixed-use districts including downtown	Select comm. & Industrial zoning districts including downtown (merchandise – C-3, C-4 & UU only)	Commercial, Industrial, Business and parking zoning districts including downtown
Permit Expiration	30 days – Short Term (renewable additional 30 with PC approval) 120 days – Seasonal	6 months. Vendor may apply for an annual permit from p.c.	365 days	365 days for food trucks. 180 days for seasonal vendors (coffee, snow cones)
Products Permitted	Food/Bev./Merchandise	Food/Bev./Merchandise	Food/Bev./Merchandise	Food/Beverage/Merchandise
Permit Fee	\$250.00	\$100.00	\$100.00	\$50.00
Vehicles Permitted	Food Truck/ Trailer	Private Property -Food Truck /Trailer; Parallel Parking Spaces - Food Truck; City Parks -Food Truck/Food Trailer	Food Truck/ Trailer	Food Truck/Trailer
Relocation Requirements	Vendor cannot obtain a permit for the same site or within 500 ft. of same site until 90 days from the expiration of the original permit	Vendors operating from one location may relocate to a different location 1,320 ft. from original location after six months. Food trucks operating from multiple locations are permitted, but must relocate every 4 hours.	None	Must relocate once every 12 hours
Distance From Bricks & Mortar Restaurant	None	Cannot locate on the same side of the street in front of an existing restaurant	None	Cannot locate within 150' of an established eatery unless the eatery provides written consent
Distance from Public/Private School	None	None	None	Cannot vend with 150' of a public or private school during school hours or school-related events

	<b>Fort Smith</b>	<b>Fayetteville</b>	<b>Little Rock</b>	<b>Tulsa</b>
Mobile Food Courts	Unlisted Use – Requires Dir. of Planning admin. decision	Requires Conditional Use Permit approval by p.c.	Unlisted Use	Unlisted Use
Public Property	Trucks may vend in city parks with approval from Parks Department	Lottery system allows vending on a limited basis in a marked or delineated parallel public parking space. Must relocate 325' feet from previous location every four hours. Trucks may also vend in city parks with approval.	Not permitted	Trucks may vend on the curb side when the mobile unit is on or abutting a public street.
Special Requirements	Vendor cannot reduce the # of parking spaces below the minimum required for other uses occurring on the property.	Site plan required. Photo of Food Truck. Description of Food/Beverage offered. Must maintain aesthetically pleasing streetscape. Cannot match or duplicate primary food/beverage of adjacent permanent businesses. Cannot park in angled parking spaces.	Temporary signs, tables, chairs, or canopies are not permitted. All equipment, vehicles must be removed from site at the end of business day. Trailers must be hooked to tow vehicle at all times on paved surface.	Site plan required. Schedule of times and operation locations. Description of Food/Beverage offered. Cannot locate within 150' of a public park where a city authorized concession stand is located; within 150' feet of city property where a non-profit organization is selling food during a public celebration; within 150' of the location of a special event permit food vendor Sign content information

**Note: North Little Rock was not included in the chart because it only allows mobile food vendors to vend within a city-sanctioned event.**

## Outdoor Mobile Food Vending Regulations Comparison Chart

	<b>College Station, Texas</b>	<b>Bentonville</b>	<b>Lee's Summit, Missouri</b>
Zoning Districts	All districts except single family residential and agricultural zoning districts	Private Property - Commercial, Downtown Core, Industrial	Permitted in all zoning districts if on private property. Exception: Food trucks can vend in residential areas but can park in the r.o.w. for 15 minutes only.
Permit Expiration	1 Year	1 year	1 year
Products Permitted	Food and beverages	Food/beverages/merchandise	Food/beverages
Permit Fee	\$500 + \$2,000 bond (renewal fee is \$250.00)	\$125.00	\$50.00
Vehicles Permitted	Food trucks, trailers, carts	Food truck and trailers	Food truck, trailer, food cart
Relocation Requirements	Vendor cannot exceed 5 hours per location per day.	None	None
Distance From Bricks & Mortar Restaurant	100 feet (distance be reduced with written permission from restaurant)	50 feet	60 feet
Distance from Public/Private School	None	100 feet	None
Mobile Food Courts	Unlisted use	Allowed with conditional use approval in Commercial, Downtown Core, and Industrial zoning districts	Unlisted use
Public Property	Can vend on streets classified as Minor Collector or less for 30 minutes maximum. Cannot vend between the hours of 2am and 5am.	Permitted only in the Town Square Vendor District	Permitted. In residential areas, food trucks can park in the r.o.w. for 15 minutes only.

	<b>College Station, Texas</b>	<b>Bentonville</b>	<b>Lee's Summit, Missouri</b>
Special Requirements	<p>Vehicle cannot play continuous music or repetitive sounds.  A five-foot clear space must be maintained around the vehicle  No smoking signs must be posted  In some overlay districts a vendor may not be located within 20 feet of another mobile vendor</p>	<p>Vending on private property cannot exceed 900 s.f.  Must be on paved surface  Site Plan  Only one vendor per lot  Cannot vend on vacant or undeveloped property, public park property, or grass  Cannot vend within 15' of any building entrance</p>	<p>Mobile food trucks in the Central Business District are limited to operating between 9:00 p.m. and 2:00 a.m..  Site Plan required for vending in public right-of-way  Vending on private property shall use no more than 20% of the parking stalls required for structures on the property  Signage is limited to sign affixed on the vehicle and one sandwich board sign in the immediate proximity of the vendor  Vendor must be on paved surface</p>

**Ordinances from Other Cities:  
Fayetteville, Little Rock, Tulsa,  
College Station, TX, Bentonville,  
& Lee's Summit, MO**

**TITLE XV UNIFIED DEVELOPMENT CODE  
CHAPTER 178: OUTDOOR VENDORS**

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178.01 PURPOSE.....	3
178.02 SIDEWALK CAFES.....	3
178.03 SIDEWALK VENDORS .....	3
178.04 OUTDOOR MOBILE VENDORS LOCATED ON PRIVATE PROPERTY .....	6
178.05 FOOD TRUCK LIMITED TIME PERMIT .....	9
178.06 TRANSIENT MERCHANTS .....	10
178.07-178.99 RESERVED .....	10

Fayetteville Code of Ordinances

**CHAPTER 178: OUTDOOR VENDORS**

**178.01 Purpose**

It is the purpose of this chapter to promote and encourage open air retail environments, while preserving and protecting the health, safety and welfare of citizens by promoting opportunities and regulations for the creation of said exceptions within the City.

(Ord. 5185, 10-7-08)

**178.02 Sidewalk Cafes**

(A) Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain developed and developing areas in a traditional town form are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to encourage pedestrian activity and make the urban environment more attractive.

(B) Sidewalk Café Authorization. The Planning Commission may issue a conditional use permit allowing a sidewalk café on part of a specified sidewalk after the applicant has notified adjoining property owners. In addition to the general conditional use requirements, the Planning Commission shall ensure that no conditional use permit is granted, unless:

- (1) The proposed sidewalk café will not unduly impact or impede the public's ability to travel upon or use the sidewalk and any other affected public right-of-way, including public utility easements.
- (2) Any necessary costs to relocate a utility or widen the existing sidewalk to accommodate the proposed sidewalk café must be paid by the sidewalk café applicant.
- (3) The sidewalk café applicant may be required to post a surety bond or letter of credit sufficient to cover the cost of removing the sidewalk café if necessary for the city or utility company to access pipes, lines, or other facilities.
- (4) The sidewalk café applicant must consent that the city or utility company may remove, without liability or compensation, part or all of the sidewalk café, if necessary, to get access to a utility facility or improvement.

(C) Requirements: Sidewalk cafés shall meet the following requirements in order to be approved:

- (1) Applicants requesting a license must provide a detailed site plan and written description illustrating the type, location and dimensions of all furniture to be placed in the public right-of-way. Sidewalk cafes may not be enclosed by fixed walls or other permanent structures.
- (2) Sidewalk cafes must be open to the air, except that an awning or canopy conforming to requirements established by the Unified Development Code and Building Code may be constructed over the sidewalk café. In order to provide sufficient pedestrian clearance, umbrellas must have 7 feet of free and clear space from the sidewalk surface to the lower edge of the umbrella.
- (3) Property shall be kept clean and free of refuse with no permanent trash containers placed on the premises.
- (4) All furnishings and fixtures must be of a temporary nature and shall be removed from the public right-of-way and stored inside during non-operational times.
- (5) For sidewalk cafes using City right-of-way for operation, there shall be a minimum of five feet or 50% of the total sidewalk width for clearance, whichever is greater, to provide adequate and unobstructed pedestrian movement.
- (6) If at any time the sidewalk café is determined to impede travel or interfere with the public safety, as determined by the Planning Division, the sidewalk cafe shall be removed.
- (7) One A-frame sandwich/menu board is permitted within the sidewalk cafes' border during hours of operation, subject to the applicable regulations in Ch. 174: Signs for the same.

(Ord. 5185, 10-7-08)

**178.03 Sidewalk Vendors**

(A) *Purpose.* Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety.

Fayetteville Code of Ordinances

- This ordinance is designed to regulate open air vending of goods on public rights-of-way.
- (B) *Sidewalk Vendor Authorization.* The Zoning and Development Administrator may issue a permit for a sidewalk vendor to use a specific sidewalk or plaza location for specified hours to sell specified goods for up to a one year period. In addition to the general use requirements, the Zoning and Development Administrator shall ensure that no permit is granted unless:
- (1) The applicant has obtained all necessary permits from State or County authorities, including any Transient Merchant permit requirements.
  - (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.
  - (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.
  - (4) The applicant has notified all adjacent property owners, by certified mail, of the application.
- (C) *Permit Application.* Each application for a permit to conduct business on a sidewalk shall be accompanied by a \$100 application and permit fee. Permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit
- (1) Application for a sidewalk vendor permit shall include the following items in a format acceptable to the Zoning and Development Administrator:
    - (a) Name, address and contact information.
    - (b) Type of items sold or services rendered.
    - (c) A valid copy of all necessary permits required by State and County health authorities.
    - (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
    - (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
- (f) A site plan indicating the location and dimensions of the proposed use and device or pushcart.
  - (g) A detailed scale drawing, picture or diagram and material specifications of the device or pushcart to be used.
- (2) The permit issued shall not be transferable in any manner.
- (3) The permit is valid for one sidewalk vending location only.
- (D) *Permitted Vending Products and Goods.*
- (1) The City of Fayetteville permits the following types of goods for street vending in approved locations:
    - (a) Cut Flowers
    - (b) Food and Beverage
    - (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by street vendors.
  - (2) All goods being sold from sidewalk vendors shall:
    - (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
    - (b) Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk.
    - (c) Involve a short transaction period to complete the sale or render the service.
    - (d) Not cause undue noise or offensive odors.
    - (e) Be easily carried by pedestrians.
- (E) *Location Requirements.* Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the

TITLE XV UNIFIED DEVELOPMENT CODE

Planning Division. The locations where street vending is allowed as a permitted use are:

(1) North and West sidewalks in front of the ~~Walton Arts Center. Sidewalk vendors may~~ locate along West Avenue and Dickson St. in front of the Walton Arts Center

(2) Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) *Conditional Use Permit.* If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a conditional use permit must be obtained. Upon receipt of a conditional use permit application, the Planning Commission shall review the proposed permit operating area to determine if the said area is suitable for street vending in accordance with this chapter. In making this determination, the Planning Commission shall consider the following criteria:

(1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance and does not require conditional use permit review. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).

(2) The number of permits issued for the street vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way. The Planning Commission shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) *Requirements.* Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or

pushcart, under or subject to the following conditions:

(1) The operating area shall not exceed 40 ~~square feet of sidewalk, which shall include~~ the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.

(2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.

(3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.

(4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.

(5) Mobile generators are prohibited.

(6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:

(a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.

(b) Within 10 feet of any handicapped parking space, or access ramp.

(c) Within 15 feet of a fire hydrant.

(d) Within 15 ft. of an entrance to a building.

(7) Street vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall be removed from the public right-of-way during non-operational hours.

(8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a

prominent and visible manner the permit issued by the Planning Division.

- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
- (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.
- (11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.
- (12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.
- (H) *Signage.* Sidewalk vendors shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.
- (I) *Revocation of the Sidewalk Vendor Permit.* The Zoning and Development Administrator is authorized to revoke a sidewalk vendor's permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

(Ord. 5185, 10-7-08; Ord. 5321, 5-18-10; Ord. 5459, 11-15-11)

#### **178.04 Outdoor Mobile Vendors Located On Private Property**

- (A) *Purpose.* The purpose of this section is to facilitate and control the ability of mobile vendors and mobile vendor courts to operate on private property while ensuring such use is compatible with nearby properties, fosters an aesthetically appealing streetscape and does not create a dangerous traffic condition.
- (B) *Mobile Vendor Six Month Permit.* Mobile vendors are allowed to operate on a temporary basis for a maximum of six months in one location during a calendar year with administrative approval of the Planning Division. Mobile vendors utilizing a six month permit may request to relocate to a different site at least one quarter mile (1,320 feet) from the original location after this—six month period has expired. However, a new mobile vendor application shall be reviewed and approved by the Planning Division for every new location. This permit will expire six months from the date issued and the mobile vending unit shall be removed from the property. The mobile vendor owner also has the option of requesting an annual permit from the Planning Commission at or before the end of their initial six month permit time period.
  - (1) A six month permit for a mobile vendor business shall be approved and issued administratively by the Planning Division after making the following determinations:
    - (a) All of the requirements of 178.04(D) have been met.
    - (b) The applicant has established that the operation of the mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
    - (c) The mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed mobile vendor, unless the mobile vendor predates the aforementioned permanent businesses.
- (C) *Mobile Vendor Annual Permit.* Mobile vendors are allowed to locate for one year in the same location with approval of the Planning Commission as an administrative item. After the one year period has expired the mobile vendor may move to another location or may request a one year renewal from the Planning Commission.

TITLE XV UNIFIED DEVELOPMENT CODE

- (1) An annual mobile vendor permit may be issued by the Planning Commission after making the following determinations:
- (a) All of the requirements of 178.04(D) have been met.
  - (b) The applicant has established that the operation of the mobile vendor will foster an aesthetically appealing streetscape and will not create a dangerous traffic condition.
  - (c) The mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed mobile vendor, unless the mobile vendor predates the aforementioned permanent businesses.
- (D) *Mobile Vendor Permit Requirements.* All mobile vendors located on private property with Six Month or Annual Mobile Vendor Permits shall meet the following requirements and submittals prior to approval:
- (1) Each application for a permit to conduct a mobile vendor business on private property shall be accompanied by a \$100 permit review and processing fee. Mobile vendor permits shall be issued to the owner of the mobile vendor vehicle.
  - (2) Application for a permit to conduct a mobile vendor business shall include the following items in a format acceptable to the Planning Division:
    - (a) Name, address, contact information and signature of both the property owner and the mobile vendor requesting to locate on private property.
    - (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.
    - (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
    - (d) A detailed site plan roughly drawn to scale showing the location of the property lines, each mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed dining or sitting areas.
- (e) Written authorization, signed by the ~~property owner or legal representative of record~~, stating that the mobile vendor is permitted to operate on the subject property for a specified period of time.
- (3) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile vendors are not permitted to dispose of their trash in public trash receptacles.
  - (4) The mobile vendor permit issued shall not be transferable in any manner.
  - (5) The mobile vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.
  - (6) The proposed use must be a permitted use-by-right within the underlying zoning district.
  - (7) Mobile vendors shall maintain compliance with parking lot requirements for the existing business and the proposed mobile vendor business. The number of required parking spaces is determined by the use and size of the proposed mobile vendor business and by the use and size of the existing business. The use of parking for a mobile vendor may not reduce the number of spaces below the minimum required for other uses occurring on the property. The location of the mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.
  - (8) Mobile vendors shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
- (E) *Mobile Vendor Courts.* Mobile vendor courts may be permitted through a Conditional Use Permit process in appropriate zoning districts. A property owner may request a Conditional Use Permit from the Planning Commission to develop a mobile vendor court subject to the following standards:
- (1) The property owner has provided the Planning Division with a detailed site plan of the mobile vendor court showing the location and dimensional relationships of the property lines, all proposed mobile vendors locations, building setbacks,

Fayetteville Code of Ordinances

vehicle parking, sidewalk location and proposed dining or sitting areas.

- (2) The property owner proposing a mobile vendor court may be required to make any of the following improvements to the property in order to meet City development codes and be approved for this semi-permanent use. Required improvements may include:

- (a) Improvements necessary to provide permanent utility connections for each mobile vending unit location in the mobile vendor court. This may include permanent water, sanitary sewer and electricity connections.
- (b) Improvements necessary to ensure safe pedestrian and vehicular access to the site.
- (c) Providing adequate restroom facilities on site or through the provision of a shared use agreement with a neighboring business for access to restroom facilities.

- (3) Mobile vendors operating in a mobile vendor court are not required to obtain an individual permit but shall provide the Planning Division with the following information:

- (a) Name, address, contact information and signature of both the property owner and the mobile vendor operator locating in the mobile vendor court.
- (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the vending business.
- (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
- (d) Written description of any additional structures to be used in conducting business, including but not limited to stairs, decks, tents or enclosures.
- (e) A detailed site plan of the mobile vendor court showing the location of the applicant's proposed mobile vendor unit location within the mobile vendor court.
- (f) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor business is permitted to operate on the subject property.

- (F) *Exemptions.* The provisions of the Mobile Vendor ordinance do not apply to:

- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.
- (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
- (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
- (4) Fireworks sales.
- (5) Children's lemonade stands.
- (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.
- (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
- (8) Non-profit organizations that prepare and donate or give away food for free.

- (G) *Prohibited Conduct.* The following conduct is prohibited for mobile vendors:

- (1) Obstruct pedestrian or vehicular traffic flow.
- (2) Obstruct traffic signals or regulatory signs.
- (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
- (4) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
- (5) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.

- (H) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development

TITLE XV UNIFIED DEVELOPMENT CODE

Services Director for any of the following reasons:

- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
  - (2) Conducting the business of mobile vending in a manner contrary to the conditions of the permit.
  - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
  - (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;
- (I) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor or the property owner of his/her right to appeal to the Planning Commission. Such notice shall be personally delivered, posted upon the mobile vendors' premises or mailed to both the address of the property owner and the address of the mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

(Ord. 5185, 10-7-08; Ord. 5425, 8-2-11; Ord. 5498 05-01-12; Ord. 5666, 3-18-14)

**178.05 Food Truck Limited Time Permit**

- (A) *Purpose.* This section's purpose is to create a process that allows food trucks to locate for a limited time on public and private property. Food trucks are defined as a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food.
- (B) *Food Truck Limited Time Permit on Public Property.* Food trucks may apply for a permit determined through a lottery drawing by the Planning Division to locate for a limited time in a marked or delineated parallel public parking space. Food Trucks may also vend in City Parks with approval by the Parks and Recreation Director.
- (1) The Planning Division will conduct a lottery in November each year for a total of three (3)

Food Truck Limited Time Permits for locating on public property. If more than nine (9) lottery applications are made Planning Staff may increase the number of permits issued ~~not to exceed one third (1/3) of the total~~ number of applications. Instances in which 1/3 the total number of applications results in a fraction of 0.5 or higher, the number of permits available shall be rounded up to the next whole number. These permits shall be issued on January 1<sup>st</sup> and will extend until December 31<sup>st</sup>. Food trucks may apply and participate in this lottery every year.

- (2) A Food Truck Limited Time Permit on Public Property may be approved administratively by the Planning Division after making the following determinations:
  - (a) The applicant has paid an annual \$100 permit fee. Food trucks shall pay the appropriate fee for the time they are located in public parking spaces. The food truck shall fit entirely within one marked parallel on-street parking space or within one marked parking space in a City Park.
  - (b) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.
  - (c) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks are not permitted to dispose of their trash in public trash receptacles.
  - (d) The applicant agrees to move to a different location after a four (4) hour time period. This time period includes onsite set-up and break-down time. The applicant agrees to move at least 325 feet away or out of sight/view of their previous location once their initial 4 hour time period has expired.
  - (e) The applicant agrees to not locate on the same side of the street directly in front of an existing restaurant.
  - (f) The applicant agrees to only vend towards the sidewalk side of the street and to keep the sidewalk unobstructed to allow for free flow pedestrian movement along the street.
  - (g) The applicant agrees to locate on public property such that they will not cause an unsafe traffic or pedestrian situation.

Fayetteville Code of Ordinances

(h) The applicant agrees not to set up in a parking space adjacent to a parking pay station kiosk.

(i) Food trucks are prohibited from parking or vending from angled on-street parking spaces and from public parking lots in the Entertainment District or the Downtown Business District. Food trucks are prohibited from parking in marked parallel parking spaces that are posted reserved for residential use.

(j) The City reserves the right to limit food trucks from utilizing public parking spaces during special events such as; parades, Bikes, Blues and BBQ, etc. Special event permits may be available to food trucks for certain events. Contact the City's Parking Division for special event permits.

(C) *Food Truck Limited Time Permit on Private Property.* Food trucks may be approved administratively by the Planning Division for a Food Truck Limited Time Permit to locate on private property after meeting the following conditions:

(1) The applicant has paid an annual \$100 permit fee, unless they are also the holder of a public property lottery permit and they have already paid a \$100 permit fee. Permits expire December 31<sup>st</sup>.

(2) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.

(3) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks are not permitted to dispose of their trash in public trash receptacles.

(4) The applicant has agreed to move to a different property after a four (4) hour time period. This time period includes any onsite set-up or break-down time.

(5) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck operator permission to operate on the property. A site plan shall be provided by the applicant or property owner for each proposed site upon which the food truck would like to temporarily locate. The food

truck vendor shall keep these records up to date with the Planning Division.

(6) The applicant agrees to locate on private property such that they will not cause an unsafe traffic or pedestrian situation.

(Ord. 5666, 3-18-14)

**178.06 Transient Merchants**

All transient merchants are subject to regulations and registration under Arkansas state statutes. Any criteria established herein shall not relieve the applicant from meeting applicable criteria relative to transient merchants. "Transient merchant" means any person, firm, corporation, partnership, or other entity that engages in, does, or transacts any temporary or transient business in the state, either in one (1) locality or in traveling from place to place in the state, offering for sale or selling goods, wares, merchandise, or services.

(Ord. 5185, 10-7-08; Ord. 5666, 3-18-14)

**178.07-178.99 Reserved**

(Ord. 5185, 10-7-08; Ord. 5666, 3-18-14)



# Mobile Vendors at a glance

The City of Fayetteville passed an updated Mobile Vendor & Food Truck ordinance in March 2014. This ordinance is an update of the previous Outdoor Mobile Vendor Ordinance & allows mobile vendors to locate on private property for an extended period of time, permits the operation of mobile vendor courts & allows for food trucks to locate in parallel public parking spaces, public parklands & on private property temporarily for a four (4) hour time period. The following chart illustrates the various permits that may be issued to mobile vendors and/or food trucks.

Mobile Vending Permit [Ordinance Section]	Mobile Vending Unit	Permitted Location	Time Period	Application Fee	Site Plan Required	Property Owner Permission	Removal of Mobile Device	Proximity to Existing Business	Additional Requirements
Sidewalk Vendors [178.03]	Food Cart with specific cart size requirements	Public Property - Specific locations on Square and Dickson St; Private Property by CUP	All permits expire on January 1st.	\$100, prorated to \$50 after July 1	Yes	N/A	Sidewalk vendors must remove carts when not operating on public property	Must notify adjacent property owners that they will be operating	—
Mobile Vendor Six Month Permit [178.04(B)]	Food Truck, Trailer, or other mobile vending device	Private Property in Appropriate Zoning Districts	6 months - Then must move at least 1/4 mile away to a new location	\$100	Yes	Property owner provides written permission	Has to be removed at the end of 6 months	Shall not match food or beverage of permanent businesses adjacent and on the same side of the street	Comply with parking requirements.
Mobile Vendor Annual Permit [178.04(C)]	Food Truck, Trailer, or other mobile vending device	Private Property in Appropriate Zoning Districts	1 year	\$100	Yes	Property owner provides written permission	May remain on site for the duration of the permit time period	Shall not match food or beverage of permanent businesses adjacent on the same side of the street	Planning Commission approval is required. Comply with parking requirements.
Mobile Vendor Courts - Conditional Use Permit [178.04(E)]	Food Truck, Trailer, or other mobile vending device	Private Property in Appropriate Zoning Districts	Determined by the Planning Commission	\$405	Yes	Property owner is applicant	May remain on site for the duration of the Mobile Vendor Court permit	N/A	Property improvements may be required as a condition of approval. Vendors do not pay a permit fee but shall provide contact information and all necessary health and tax permits.
Limited Time Permit for Parallel Parking Spaces [178.05(B)]	Food Truck	Parallel parking spaces on public roads	January 1st - December 31st (4 hour time period per day)	\$100 plus the parking space fee for time spent there (where applicable)	No	N/A	Food truck shall move at least 325 feet away and/or out of sight of their previous location once their four hour period has expired	The applicant agrees to not locate on the same side of the street directly in front of an existing restaurant	Lottery held to award the three permits with additional permits possible if there are more than 9 applicants.
Limited Time Permit on Public Property [178.05(C)]	Food Truck or Trailer	Public property including City Parks with approval of the Parks Department and public streets; excludes on-street marked parallel or angled parking spaces	January 1st - December 31st (4 hour time period per day)	\$100 plus the parking space fee for time spent there	No	N/A	Food truck or trailer shall move at least 325 feet away and/or out of sight of their previous location once their four hour period has expired	N/A	Lottery held to award the three permits with additional permits possible if there are more than 9 applicants.
Food Truck Limited Time Permit on Private Property [178.05(D)]	Food Truck or Trailer	Private Property in Appropriate Zoning Districts	All permits expire on December 31st (4 hour time period per day)	\$100	Yes	Property owner provides written permission	Food truck shall move after the four hour period is expired	N/A	Property must be zoned appropriately and the applicant shall provide a site plan showing the location of the food truck or trailer.

For questions about what is allowed within the Mobile Vendor ordinance  
 For questions about vending in City Parks  
 For questions about Special Event Permits  
 For questions about HMR Tax  
 For questions about obtaining a Food Service Permit  
 For questions about obtaining an Inspection

Questions & Resources

Fayetteville City Planning 479-575-8267  
 Fayetteville Parks & Recreation 479-444-3471  
 Fayetteville Parking Management 479-575-8280  
 Fayetteville Accounting Department 479-575-8287  
 Washington County Health Department 479-521-8181 ex 2151  
 Fayetteville Fire Marshal 479-718-7639



Little Rock

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND SECTION 36 OF THE LITTLE ROCK  
CODE OF ORDINANCES TO ADD MOBILE FOOD TRUCKS AS A  
PERMITTED USE IN CERTAIN ZONING CLASSIFICATIONS; TO ADD  
MOBILE CANTEEN UNITS AS A PERMITTED USE IN CERTAIN  
ZONING CLASSIFICATIONS; TO PROVIDE FOR FURTHER  
REGULATION OF MOBILE FOOD TRUCKS; AND FOR OTHER  
PURPOSES.**

**WHEREAS**, mobile food trucks have experienced a marked rise in popularity across the country and here in the City of Little Rock in the past few years, and

**WHEREAS**, mobile food trucks are able to dispense a large variety of foods, healthy meal options, and foods from diverse cultural backgrounds to all areas of the City, including underserved areas, and

**WHEREAS**, mobile food trucks provide entrepreneurial opportunities for small and minority-owned business operators, and

**WHEREAS**, the City now finds it desirable to set forth regulations to allow mobile food trucks to operate within the city under certain circumstances and to establish regulations concerning mobile food truck operations in order to protect the health, safety and welfare of the City's inhabitants.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:**

**Section 1.** Section 36-3 of the Little Rock Code of Ordinances is hereby amended to add a definition of mobile canteen unit as follows:

(a) *Mobile canteen unit* means a vehicle, including mobile food trucks, mobile food trailers, and push carts, offering food products or beverages for sale to consumers.

**Section 2.** Section 36-299(c)(1) of the Little Rock Code of Ordinances is hereby amended to add as a permitted use within the C-1 zoning classification "mobile canteen units when operated in compliance with current planning department regulations for such vehicles".

**Section 3.** Section 36-300(c)(1) of the Little Rock Code of Ordinances is hereby amended to add as a permitted use within the C-2 zoning classification "mobile canteen units when operated in compliance with current Planning and Development Department regulations for such vehicles".

1       **Section 4.** Section 36-301(c)(1) of the Little Rock Code of Ordinances is hereby amended to add as a  
2 permitted use within the C-3 zoning classification “mobile canteen units when operated in compliance  
3 with current planning department regulations for such vehicles”.

4       **Section 5.** Section 36-302(c)(1) of the Little Rock Code of Ordinances is hereby amended to add as a  
5 permitted use within the C-4 zoning classification “mobile canteen units when operated in compliance  
6 with current planning department regulations for such vehicles”.

7       **Section 6.** Section 36-279(c)(1) of the Little Rock Code of Ordinances is hereby amended to add as a  
8 permitted use within the O-1 zoning classification “mobile canteen units when operated in compliance  
9 with current planning department regulations for such vehicles”.

10       **Section 7.** Section 36-280(c)(1) of the Little Rock Code of Ordinances is hereby amended to add as a  
11 permitted use within the O-2 zoning classification mobile canteen units when operated in compliance with  
12 current planning department regulations for such vehicles.

13       **Section 8.** Section 36-281(c)(1) of the Little Rock Code of Ordinances is hereby amended to add as a  
14 permitted use within the O-3 zoning classification mobile canteen units when operated in compliance with  
15 current planning department regulations for such vehicles.

16       **Section 9.** Section 36-319(c)(1) of the Little Rock Code of Ordinances is hereby amended to add as a  
17 permitted use within the I-1 zoning classification “mobile canteen units when operated in compliance  
18 with current planning department regulations for such vehicles”.

19       **Section 10.** Section 36-320(c)(1) of the Little Rock Code of Ordinances is hereby amended to add as  
20 a permitted use within the I-2 zoning classification “mobile canteen units when operated in compliance  
21 with current planning department regulations for such vehicles”.

22       **Section 11.** Section 36-321(c)(1) of the Little Rock Code of Ordinances is hereby amended to add as  
23 a permitted use within the I-3 zoning classification “mobile canteen units when operated in compliance  
24 with current planning department regulations for such vehicles”.

25       **Section 12.** The Planning and Development Department shall develop regulations concerning the  
26 placement and operation of mobile canteen units to address, but not be limited to, the issues of hours of  
27 operation, parking, and health.

28       **Section 13. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
29 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or  
30 adjudication shall not affect the remaining portions of the ordinance, which shall remain in full force and  
31 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the  
32 ordinance.

33       **Section 14. Repealer.** All ordinances or resolutions of the City in conflict herewith are hereby  
34 repealed to the extent of such conflict.

1 **PASSED: June 17, 2014**

2 **ATTEST:**

**APPROVED:**

3

4

5 **Susan Langley, City Clerk**

**Mark Stodola, Mayor**

6 **APPROVED AS TO LEGAL FORM:**

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9 **Thomas M. Carpenter, City Attorney**

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## MEMORANDUM

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TO: ALL PEDDLERS AND MOBILE CANTEEN UNITS

FROM: CITY OF LITTLE ROCK DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: REGULATIONS FOR DISPLAYING AND SELLING FROM A TRANSIENT LOCATION; APPLICABLE TO ALL PEDDLERS AND MOBILE CANTEEN UNITS OTHER THAN THOSE APPROVED TO OPERATE IN THE PUBLIC RIGHT OF WAY

1. Peddlers must locate only on developed property that is zoned C-3, C-4 or UU. Operation in all other zones is prohibited.
2. Mobile canteen units may locate only on developed property that is zoned O-1, O-2, O-3, C-1, C-2, C-3, C-4, I-1, I-2, I-3 or UU. Operation in all other zones is prohibited.
3. Push carts are permitted on the properties referenced in section number 2.
4. You cannot have temporary signs at the location.
5. You must have your current City of Little Rock privilege license on the site. The license must be visible and available for inspection.
6. Merchandise must be kept on your vehicle at all times.
7. You cannot set up or display anything in the public right-of-way or anywhere on the private property that will create a traffic hazard.
8. You must have a written and notarized statement from the property owner allowing you to set up on the property. The statement must be available for inspection.
9. The property must remain clean at all times.
10. Trailers must remain hooked up to tow vehicles at all times.
11. All vehicles and trailers must be parked on a paved surface.
12. You cannot set up tables, chairs or canopies.

*- Urban Use*

*\$100.00  
per vehicle*

13. Operators of mobile canteen units must have displayed a current State of Arkansas health certificate. The certificate must be presented to the City Collectors office when applying for the City privilege license
- 
14. You must have on site a State of Arkansas issued tax I.D. It must be available for inspection.
  15. Licenses for peddlers are good only until December 31 of the year in which the license is issued. New licenses must be issued for each year.
  16. At the end of each business day, all equipment, vehicles and related materials must be removed from the site.
  17. Failure to follow these regulations will result in enforcement by the City of Little Rock and may result in the revocation of your privilege license.

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Acknowledgment by applicant

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Date

**Sec. 17-5. - Mobile canteen units.**

- (a) In this section "mobile canteen unit" means a vehicle offering for sale to consumers food products or beverages.
- 
- (b) No mobile canteen unit shall under any circumstances dispense any food or drink when legally parked within the right-of-way of any public street in the city, except ice cream mobile units, which shall be restricted to the licensing and operating rules set forth by the finance department of the city.
- (c) No mobile canteen unit shall dispense any food or drink when parked on any other public property without first obtaining written authority therefor from the city manager or his duly authorized representative.

*(Code 1961, §§ 14-20(a), 14-28; Ord. No. 19,122, § 1, 6-1-04)*

Chapter 36  
May 1, 2014

**Tulsa, Oklahoma, Code of Ordinances >> - SUPPLEMENT HISTORY TABLE >> TITLE 21 - LICENSES >>  
CHAPTER 23. MOBILE VENDORS >>**

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**CHAPTER 23. MOBILE VENDORS**

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Section 2300. Purpose.

Section 2301. Definitions.

Section 2302. License—Required.

Section 2303. Types of mobile vendors.

Section 2304. Operations and requirements.

Section 2305. Exemptions.

Section 2306. License application process.

Section 2307. Review and investigation—Issuance or denial.

Section 2308. License fee.

Section 2309. Expiration of license.

Section 2310. Exhibition of license—Transfer.

Section 2311. Renewal of license.

Section 2312. Site plan submission and approval—Site permit required.

Section 2313. Site permit fee.

Section 2314. Expiration of site permit.

Section 2315. Exhibition of site permit—Transfer.

Section 2316. Health regulations.

Section 2317. Mobile vendor standards.

Section 2318. Revocation of license.

Section 2319. Surrender upon expiration or revocation.

Section 2320. Appeal.

Section 2321. Violations—Penalties.

**Section 2300. Purpose.**

The purpose of this ordinance is to regulate the actions of mobile vendors. It has been determined that the public health, safety, good order and general welfare of the residents of Tulsa require the regulation and management of such enterprises. The receipt of a mobile vendor license is a privilege which may be suspended, limited or revoked for violating the intent and letter of this ordinance.

*(Ord. No. 23072, § 1, 3-27-2014)*

**Section 2301. Definitions.**

**Use of Words and Phrases.** As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

- A. **Commissary** shall mean an approved facility that provides support services for specific required functions of a mobile vendor. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store or similar establishment or any otherwise approved facility in which food, containers or supplies are kept, handled, prepared, packaged or stored can be considered a commissary. When not

required at the mobile vendor, commissaries may provide a three (3) compartment sink for washing, rinsing and sanitization of equipments/utensils in addition to hand wash and rest room facilities. Services required of the commissary will be based on the food sold and the mobile vendor type and capabilities. A private residence may not be used as a commissary.

- B. **Concessionaire** means a person engaged in the sale of food or other goods or services in a city park or on city property, including without limitation those who operate or maintain a concession stand, in accordance with a written agreement or franchise therefore as lawfully approved in writing by the City.
- C. **Food** has its usual and ordinary meaning, and includes all items designed for human consumption, including but not limited to ice cream, candy, gum, popcorn, hotdogs, sandwiches, peanuts, soft drinks, coffee and dairy products.
- D. **Director** shall mean the Director of Finance for the City of Tulsa or such other person designated by the Mayor to enforce the provisions of this chapter or that person's designee.
- E. **Mobile vendor** shall mean an outdoor seller, as defined herein, and any business operator or vendor who conducts business from or through use of a motor vehicle as defined herein.
- F. **Vehicle** in this chapter shall mean a push cart, a trailer, a three-wheeled pedal carrier or like device or a motorized vehicle that is registered and licensed by the Oklahoma State Department of Motor Vehicles.
- G. **Outdoor seller** means any person offering or exposing for retail sale, or making retail sales of, any goods, products, wares or merchandise or other personal property of any type, other than food at any outdoor business location; provided, however, that this definition shall not include merchants who ordinarily and regularly offer such items for retail sale within permanent structures located on the same premises; provided further that this definition shall not include those sales commonly known as a garage sale, porch sale, backyard sale, patio sale, lawn sale, yard sale, attic sale, estate sale, moving sale or any similar sale of tangible personal property held out for sale to the public and conducted from or on any lot in a residential zoning district conducted by an individual who owns, leases or has the permission of the owner of the structure located on the same premises.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2302. License—Required.**

It is unlawful for a mobile vendor to engage in sales business within the City except when licensed as a mobile vendor in compliance with the provisions of this chapter. A separate mobile vendor site permit may be required for each location as provided hereinafter.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2303. Types of mobile vendors.**

The following mobile vendor operations shall be licensed as set forth in this chapter:

1. **Seasonal Food Service Establishment:**
  - a. These are seasonal food services described by the City Health Code as type 45 Class S operations.
    - i. The seasonal food service establishment is limited to serving coffee, and snow cones with use of liquid milk, raw fruits, raw vegetables, nuts in the shell, and commercially bottled syrup, sorghum, honey, sweet cider, and other non-time/temperature control for safety foods.
    - ii.

These operations shall be restricted to a maximum annual operation of one hundred eighty (180) consecutive days.

- iii. These operations are restricted to commercial, industrial, business and parking zoning districts.
- iv. The Director shall specify on the face of the business license the expiration date. No license may be issued for any length of time longer than one hundred eighty (180) days from the date of the application.

2. **Mobile Food Service Establishment:**

- a. These are referred to as mobile food service establishments and are classified by the Tulsa Health Code as type 45 Class MI. "Mobile food service establishment" means a facility that prepares food and is vehicle mounted (is Department of Transportation road approved, including wheels and axles), is readily moveable and remains at one (1) physical address for no more than twelve (12) hours at one (1) time.
  - i. These operations include all types of food preparation operations as identified and permitted by the Tulsa City-County Health Department.
  - ii. These operations must physically return to their commissaries daily for Health Department compliance, including but not limited to wastewater disposal, maintenance, cleaning, etc.
  - iii. These operations must notify the City, in writing, as part of the application for license process, the following information:
    - (1) A schedule of times and locations for their operations;
    - (2) Location, street address, of their commissary;
  - iv. These operations are restricted to commercial, industrial, business and parking zoning districts.
  - v. Private property locations:

If this service is to be located on private property for any time, prior written approval of the operation from the private property owner must be submitted to the City along with the application, and such written permission must be posted on the carrier.

3. **Mobile Retail Food Service Establishment:**

- a. These operations include the sale of packaged foods from a stationary display as approved by the Tulsa City-County Health Department prior to the issuance of a license by the City as provided herein.
- b. Private property locations:

If this service is to be located on private property for any time, prior written approval of the operation from the private property owner must be submitted to the City along with the application, and such written permission must be posted on the carrier at the site.
- c. These operations are restricted to commercial, industrial, business and parking zoning districts.

4. **Mobile Push Cart Food Services:**

- a. "Mobile push cart" means a non-self propelled food unit that can be manually moved.
- b. These operations shall relocate at intervals not to exceed every four (4) hours if located in public right-of-way.
- c.

These services may operate in locations including, but not limited to City right-of-way.

- d. Private property locations:  
If this service is to be located on private property for any time, prior written approval of the operation from the private property owner must be submitted to the City along with the application, and such written permission must be posted on the carrier at the site.
  - e. These operations are restricted to commercial, industrial, business or parking zoning districts.
  - f. These operations performed inside commercial businesses such as hospitals, mall shopping centers, etc. are exempt.
5. **Seasonal Outdoor Sellers (non-food):**
- a. These operations include sales of all types of goods and wares as specified in the definition of "outdoor sellers" provided herein.
  - b. These operations are restricted to commercial, industrial, business or parking zoning districts.
  - c. The Director shall specify on the face of the license the expiration date. No license may be issued for any length of time longer than one hundred eighty (180) days from the date of the application.
  - d. Private property locations:  
If this service is to be located on private property for any time, prior written approval of the operation from the private property owner must be submitted to the City along with the application, and such written permission must be posted on the carrier.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2304. Operations and requirements.**

In addition to the business license described herein, mobile vendors must meet all other applicable legal requirements, such as:

1. Qualify for and obtain food license from the Tulsa City-County Health Department;
2. Satisfactory participation in the Mobile Food Vending Best Business Practice Program administered by the City of Tulsa in conjunction with the Tulsa City-County Health Department, if applicable;
3. Qualify for and obtain a mobile vendor site permit, if applicable;
4. Qualify for and obtain temporary building permit, if applicable;
5. Qualify for and obtain temporary tent permit, if applicable; and
6. Satisfy all other unspecified but applicable legal requirements.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2305. Exemptions.**

The following activities, businesses and/or persons, as such are commonly known, shall be exempt from coverage of this chapter, but this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

- A. Newspaper couriers;
- B. Traditional neighborhood lemonade stands;

- C. Stands used to sell or distribute flowers, fruit, vegetables, produce or plants grown on the property where the stand is located;
- D. Delivery or distribution of food, goods or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while traveling or while located on city streets or property;
- E. Delivery or distribution of food by or for any not-for-profit organization, governmental agency or other charitable organization, including without limitation Meals on Wheels and the Food Bank; and
- F. Concessionaires as defined in this chapter, except that concession agreements with the City shall include health, sanitation and insurance requirements generally conforming to those established for similar businesses and vendors covered by this chapter.
- G. **Farmers Markets:**  
 "Farmers market" means a designated area in which farmers, growers or producers from a defined region gather on a regularly scheduled basis to sell at retail non-potentially hazardous farm food products and whole shell eggs to the public. A portion of the raw food ingredients used by the individual vendor to produce a product must have been grown or raised by the vendor. A farmers market must have written operational guidelines and a minimum of six (6) vendors along with a designated market manager or advisory board who will be responsible for distribution of a copy of the guidelines to the vendors. Farmers markets must be registered by the Oklahoma Department of Agriculture, Food and Forestry. This definition does not include individual farmers who grow and sell unprocessed fruit and/or vegetables from the farm, roadside or truck.
- H. Tulsa State Fair.
- I. Special events that have been permitted and approved by the Council.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2306. License application process.**

- A. **Application.** Applicants for a license pursuant to this chapter, shall file with the Director a verified application on a form to be furnished by the Director, which shall contain the following information:
  1. The name or names, birth date, social security number, and address (street and mailing, if different) of the applicant;
  2. Vehicle license number and description of all vehicles from which the applicant proposes to conduct business;
  3. Description of the general type of food or non-food items to be sold if applicable;
  4. The place or places where the applicant proposes to engage in business for more than thirty (30) minute intervals and a schedule of dates, hours, etc.
  5. The identity of the Commissary, if applicable, its proprietor, its street and mailing address and phone number;
  6. A Business License Application from the Tulsa City-County Health Department, certifying that the mobile vending business has complied with all applicable state and local Health Department regulations;
  7. A letter from the appropriate City of Tulsa office certifying that the applicant has successfully completed the Mobile Food Vending Best Business Practice Program.
  8. A verification that the applicant or the applicant's employer is a vendor register with the Oklahoma Tax Commission, or other proof that sales tax has been or is being paid

- on the items sold or to be sold; or proof that the applicant or the applicant's employer is exempt from the payment of sales tax.
9. A written, notarized statement by the legal owner of any private land upon which any outdoor business operation shall be located authorizing the use of the land for the purposes desired by the applicant.
  10. The content of any signs to be used and their location.
  11. Such other information as the City may require and as requested in said application form.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2307. Review and investigation—Issuance or denial.**

- A. Upon receipt of an application for a license pursuant to this chapter, the Director shall make or cause to be made any inquiry or investigation that may be necessary to determine whether the applicant is in compliance with the provisions of all applicable laws and ordinances as well as other applicable provisions of this code.
- B. Upon completion of any investigation as provided for by this chapter, the Director shall review the application to ensure:
  1. That the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax, or that he or she has otherwise demonstrated that sales tax has been or is being paid on the items sold, or that the applicant or the applicant's employer is exempt from payment of such tax;
  2. That the applicant or the applicant's employer is aware of the responsibility to collect and pay sales tax, unless tax exempt;
  3. That the business operation described shall not endanger property, public or private; shall not obstruct pedestrian or vehicular traffic and shall not increase risks to public safety;
- C. Within fifteen (15) business days after receipt of the application, the Director shall either approve or disapprove of the application. Grounds for disapproval shall be the following:
  1. A finding that the application is incomplete;
  2. Nonpayment of all applicable fees;
  3. Failure of the applicant to verify that he, she or it, is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax; or that sales tax has been or is being paid on the items sold; or that he, she, or it, is otherwise exempt from payment of sales tax;
  4. A finding that the application is not in conformance with any other applicable provisions of the Tulsa Revised Ordinances;
  5. The applicant is a person required to be registered pursuant to the Oklahoma Sex Offenders Registration Act (57 OS § 581 *et seq.*), as amended; and
  6. The applicant shall not be subject to any outstanding warrants for arrest.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2308. License fee.**

- A. Applications for a license shall be accompanied by a nonrefundable processing fee of Twenty Dollars (\$20.00).
- B. The annual license fees of Thirty Dollars (\$30.00) shall be due and payable by the applicant at the time the license is issued and may be prorated quarterly.

(Ord. No. 23072, § 1, 3-27-2014)

### **Section 2309. Expiration of license.**

- A. A license issued under this chapter shall expire June 30 each year, except for seasonal food service establishment and seasonal outdoor sellers, which shall expire one hundred eighty (180) days from the date of issuance.
- B. Each licensee shall reapply for a license annually. Upon the submission of an updated application and the payment of the annual license fee, the license shall be renewed, provided that he continues to meet the requirements of this chapter.
- C. In the event that the licensee shall cease operation, either voluntarily or involuntarily, before the end of the period for which a license is issued, no part of the license fee shall be refunded.

(Ord. No. 23072, § 1, 3-27-2014)

### **Section 2310. Exhibition of license—Transfer.**

A license issued under this chapter shall be posted conspicuously at the place of business. Licenses issued under this chapter are not transferable.

(Ord. No. 23072, § 1, 3-27-2014)

### **Section 2311. Renewal of license.**

The holder of any expiring license, issued under this chapter, who desires a new license, shall file a written application for renewal with the Director. The application for renewal shall contain the information required in Section 2012 of this chapter. The Director, in determining whether to approve or disapprove an application for renewal of a license, shall be guided by the provisions in Section 2306-2307 of this chapter.

(Ord. No. 23072, § 1, 3-27-2014)

### **Section 2312. Site plan submission and approval—Site permit required.**

- A. It is unlawful for a mobile vendor licensed herein as a seasonal food service establishment, a mobile food service establishment, a mobile retail food service establishment or as a seasonal outdoor seller (non-food) to engage in sales business within the City except after being issued a site permit in compliance with the provision of this chapter.
- B. A mobile vendor licensed as a seasonal food service establishment, a mobile food service establishment, a mobile retail food service establishment or as a seasonal outdoor seller (non-food) shall submit a site plan depicting the fixed outdoor location desired, including the design and make-up of any structure, vehicle, sign or display to be used while conducting business at such fixed location.
- C. If either a seasonal food service establishment, a mobile food service establishment, a mobile retail food service establishment or a seasonal outdoor seller desires a different fixed outdoor location for conducting business, or desires to otherwise amend the submitted site plan, he shall file an amended site plan prior to deviating from the site plan then on file with the Mayor or his designee.
- D. Upon the filing of an amended site plan as herein provided, the Mayor or his designee shall review it to ensure compliance with the provisions of this chapter and all other applicable provisions of this code. If the amended site plan is approved, the Director shall amend the business license to indicate any new fixed outdoor location for the conduct of the business.

- E. Failure of a seasonal food service establishment, a mobile food service establishment or a seasonal outdoor seller to comply with the original or amended site plan on file with the Director shall constitute a violation of this chapter subject to the penalty specified in this chapter.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2313. Site permit fee.**

Applications for a site permit shall be accompanied by a nonrefundable processing fee of Eighty-five and 50/100 Dollars (\$85.50).

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2314. Expiration of site permit.**

- A. A site permit issued under this chapter shall expire June 30 each year, except for a seasonal food service establishment and seasonal outdoor sellers, which shall expire one hundred eighty (180) days from the date of issuance.
- B. Each site permittee shall reapply for a site permit annually. Upon the submission of an updated application and the payment of the annual fee, the permit shall be renewed, provided continued compliance with the requirements of this chapter.
- C. In the event that the site permittee shall cease operation, either voluntarily or involuntarily, before the end of the period for which a site permit is issued, no part of the fee shall be refunded.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2315. Exhibition of site permit—Transfer.**

A site permit issued under this chapter shall be posted conspicuously at the place of business. Site permits issued under this chapter are not transferable.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2316. Health regulations.**

All mobile vendors shall comply with all laws, rules and regulations regarding food handling, and all vehicles, equipment and devices used for the handling, storage, transportation and/or sale of food shall comply with all applicable laws, rules and regulations, as presently worded and as may be amended by law, in addition to any other rules and regulations respecting such vehicles, equipment, devices as may be established by the Tulsa City-County Health Department.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2317. Mobile vendor standards.**

All mobile vendors licensed under this chapter shall conform to the following standards unless otherwise approved by the Council:

- A. Geographical Restrictions. No mobile vendor shall sell or vend from his or her vehicle or conveyance when:
1. Within one hundred fifty (150) feet of a public or private school grounds during the hours of regular school session, classes or school-related events in said public or private school, except when authorized in writing by said school; or
  - 2.

- Within one hundred fifty (150) feet of the entrance to a business establishment which is open for business and is offering for sale the same or similar product as an item offered for sale by the mobile vendor unless authorized in writing by the stationary business establishment; or
3. Within one hundred fifty (150) feet of a restaurant, cafe or eating establishment which is open for business unless authorized in writing by the stationary business establishment; or
  4. Within one hundred fifty (150) feet of a public park of the City where a City authorized concession stand is located during times other than during the course of a public celebration except as approved by the City; or
  5. Within one hundred fifty (150) feet of City property where a City authorized concession stand is located during the course of a public celebration when nonprofit organizations are permitted to engage in the sale of merchandise and food at such property; or
  6. Within one hundred fifty (150) feet of the location for which a special event permit has been issued during the time specified from the start through completion of the special event.
- B. No mobile vendor shall conduct business so as to violate any ordinances of the City regulating traffic and rights-of-way, as now in effect or hereafter amended.
  - C. No mobile vendor shall obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley or any other public place by causing people to congregate at or near the place where food or other items are being sold or offered for sale.
  - D. No customer shall be served on the street side of the mobile unit. All service must be on the curb side when the mobile unit is on or abutting a public street.
  - E. Absolutely no seating shall be provided or permitted as part of a mobile vendor business as contemplated in this chapter.
  - F. No drive thru or drive by customer service shall be provided or permitted as part of a mobile vendor business as contemplated in this chapter.
  - G. All mobile vendors shall provide garbage receptacles for customer use.
  - H. No mobile vendor shall locate his or her vehicle or other conveyance in such a manner as to cause a traffic hazard.
  - I. At the conclusion of business activities at a given location the mobile vendor shall clean all the public way surrounding his or her vehicle of all debris, trash and litter generated by the vendor's business activities.
  - J. All mobile vendors preparing food by cooking, frying or other means shall be equipped with at least one (1) fire extinguisher with a minimum rating of 2A-40-BC.
  - K. Applicants for licenses issued pursuant to this chapter should be prepared to meet all additional requirements and conditions to operate in certain restricted areas of the City such as the Main Mall, the Civic Center Plaza, property under the jurisdiction of the River Parks Authority, the BOK Center area, Tulsa Park property and others.
  - L. All electrical connections by mobile vendors shall fully comply with requirements of the National Electrical Code (NEC).

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2318. Revocation of license.**

A license issued pursuant to this chapter may be revoked, in writing, by the Director or his designee for any of the following reasons:

- A. Any fraud, misrepresentation or false statement contained in the application for license;
- B. Any fraud, misrepresentation or false statement made in connection with the selling of products;
- C. Any violation of this chapter;
- D. Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2319. Surrender upon expiration or revocation.**

When a license issued pursuant to the provisions of this chapter expires, or is revoked, its holder shall surrender it to the Director and the license shall become the property of the City.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2320. Appeal.**

- A. **Notice of Adverse Action.** If the Director or his authorized representative proposes to take any action adverse to an applicant, licensee or permittee, he shall establish a time, date and place for an administrative hearing and shall notify such person (hereinafter "respondent") of the pending action at the respondent's address contained on his most recent application. The notice shall be served on the respondent personally or by United States Mail, certified, return receipt requested. The notice shall be served or postmarked no more than ten (10) days preceding the date of the administrative hearing and shall:
  1. Set forth in detail the proposed action and the reasons therefor;
  2. Designate any section of this chapter, any statute, ordinance or other authority which requires or supports the proposed action;
  3. Set forth the date, time and place of the administrative hearing;
  4. Advise the respondent that he may be present at such hearing to provide reasons why the proposed action should not be taken; and
  5. Advise the respondent that if he fails to appear at the administrative hearing, action may be taken in his absence.

Copies of such notice shall also be sent to the complaining party, if applicable.

- B. **Administrative Hearing.** An administrative hearing shall be held on the date and time and at the place contained in the notice described above.
  1. If the respondent appears, he shall be afforded an opportunity to be heard. Following the hearing, the Director may take or refrain from taking the proposed action or may modify the same by placing reasonable conditions on the respondent, or otherwise, according to the provisions of this chapter.
  2. If the respondent fails to appear, notice of the decision made or action taken shall be given to the respondent and unless appealed to the City Council as hereinafter provided, such decision shall be final and binding ten (10) working days from and after the date of the decision.
  3. Notice of the action taken or decision made shall be given by certified mail, return receipt requested or by personal delivery to the respondent, at the address given in the respondent's most recent application.

4. The respondent shall be advised of his right to appeal the action or decision to the City Council.
- C. **Appeals to the Council.** Any person aggrieved by a decision of the Director may file an appeal to the Council by filing a written notice of appeal with the Council Secretary and the Director within ten (10) working days of the date of the decision complained of. Such notice shall specify the grounds for the appeal. A hearing on the appeal shall be heard by the Council not later than thirty (30) days from the date of filing the notice of appeal unless further delay is reasonable. If an appeal is filed, the Director shall notify the complaining party, if applicable.
- D. **Enforcement Stayed.** If an appeal of the Director's decision is made to the Council, enforcement of such decision shall be stayed until the Council has rendered its decision, unless the Director certifies to the Council that a stay would cause imminent danger to life or property.
- E. **Administrative Costs.** Any determination by the Director regarding whether or not an applicant, licensee or permittee has failed to comply with any of the provisions of this chapter may also include the requirement that the applicant, licensee or permittee pay a sum not to exceed Five Hundred Dollars (\$500.00) to defray administrative costs associated with the investigative and administrative hearing process.

*(Ord. No. 23072, § 1, 3-27-2014)*

### **Section 2321. Violations—Penalties.**

It shall be unlawful and a misdemeanor offense for any person, firm, corporation, limited liability company or other entity to violate any of the provisions of this chapter. Any such entity convicted of a violation of this chapter shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00), excluding costs, fees and assessments, or by imprisonment in the City jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, continued or permitted shall be deemed a separate offense.

*(Ord. No. 23072, § 1, 3-27-2014)*

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North of Houston

**Sec. 4-20. Mobile food vendors.****A. Definitions.**

- (1) **Edible goods** shall include, but are not limited to:
  - (a) Prepackaged food including, but not limited candy, beverages, and ice cream.
  - (b) Prepared food including, but not limited to hot dogs, deserts, and pizza.
  - (c) On-site prepared food including, but not limited to shaved ice, sandwiches, and tacos).
- (2) **Food service establishment** shall mean businesses that sell edible goods and have been inspected and approved by the Brazos County Health Department, including commercial kitchens and commissaries, and shall specifically exclude accessory or self-serve retail food sales.
- (3) **Mobile** shall mean the state of being in active, but not necessarily continuous, movement.
- (4) **Mobile food vendors** shall mean any business which sells edible goods from a non-stationary location within the City of College Station. The term shall include, but not be limited to:
  - (a) **Mobile food trucks:** A self-contained motorized unit selling items defined as edible goods.
  - (b) **Concessions carts:** Mobile vending units that must be moved by non-motorized means.
  - (c) **Concession trailers:** A vending unit which is pulled by a motorized unit and has no power to move on its own.
- (5) **Non-refrigerated** shall mean edible goods that are not required to be kept at a temperature below forty-one (41) degrees Fahrenheit according to the federal Food and Drug Administration and the Texas Food Establishment Rules.
- (6) **Sell** shall mean the act of exchanging a good for a profit or in return for a donation.
- (7) **Stationary location** shall mean the position of the mobile food vendor when not in motion and addressing the public for the purpose of sales.

**B. Permit and application.**

- (1) **Permit.** Every mobile food vendor shall have a permit issued by the City of College Station Planning and Development Services Department to conduct business in the City.
- (2) **Application.** An applicant shall apply for a permit on a form promulgated by the City of College Station Planning and Development Services Department.
- (3) The application shall be processed through the following method:
  - (a) Application submitted to the City of College Station,
  - (b) Application shall be reviewed by designated City staff,
  - (c) City staff shall inform the Brazos County Health Department when the application is eligible for approval by the City,
  - (d) Brazos County Health Department may then accept an application from a mobile food vendor,
  - (e) Following notification from the City, Brazos County Health department may issue a permit when their application is eligible for approval,

- (f) Applicant shall submit their Brazos County Health Department permit to City of College Station,
  - (g) The City of College Station may then, and only then, approve a mobile food vendor permit.
- (4) **Permit form.** A complete application shall require the following information from the applicant to be considered:
- (a) Name of applicant,
  - (b) Legal name of business or entity,
  - (c) State of Incorporation or filing of a partnership or articles of association,
  - (d) If applicable, Copy of Chapter or Articles of Incorporation and current listing of directors, partners, or principles (publicly traded companies are exempted),
  - (e) Sales tax number with a copy of sales tax permit,
  - (f) Signed permission from the private property owner,
  - (g) Name, phone number, and driver's license number of business owner,
  - (h) Contact name and phone number for mobile food vending unit while in route,
  - (i) Copy of permits to do business in Texas for foreign companies,
  - (j) Description of product being sold,
  - (k) Description of attached signage,
  - (l) Vehicle identification number and description of mobile food vending unit,
  - (m) A signed affidavit under oath with photo identification that each individual applicant:
    - (i) Has no unpaid civil judgments against him or her in any state or U.S. possession which arise from a business activity which would have been covered by this section if in effect at the time in the jurisdiction where such judgments are of record.
    - (ii) A statement of all convictions in any state, the United States or U.S. possession within the last ten (10) years.
  - (n) A bond in the sum of not less than one thousand dollars (\$1,000.00), executed by the mobile food vendor with two (2) or more good and sufficient sureties satisfactory to the Finance Director, which bond shall be payable to the City of College Station, for the use and benefit of any person or persons entitled thereto, and conditioned that the principal and sureties will pay all damages to persons caused by or arising from or growing out of any action of the mobile food vendor while conducting business in the City of College Station, Texas. The bond shall remain in full force and effect for the entire duration of the permit provided herein. The bond shall not be required for the sale of goods in interstate commerce.
  - (o) Copy of the Brazos County Health Department permit issued to the food service establishment.
  - (p) Copy of written permission to utilize the private facilities of the food service establishment.
- (5) **Permit fee.**
- (a) The application for a mobile food vendor permit shall be five hundred dollars (\$500.00). Each mobile food vendor unit shall be permitted separately.
  - (b) Mobile food vendor permits shall be valid for one (1) year from the date of permit issuance.

- (c) Upon renewal the applicant must provide a new application, payment of a two hundred fifty dollars (\$250.00) renewal fee, and new permitting documentation upon permit renewal. The applicant must submit the application and renewal fee within thirty (30) days after expiration of the permit or must reapply as a new applicant.
  - (d) Concession carts shall apply under a reduced fee of two hundred fifty dollars (\$250.00) for initial application, and one hundred twenty-five dollars (\$125.00) for a renewal.
- (6) **Permit denial.** A permit may be denied where:
  - (a) An applicant is found to have an unpaid civil judgment(s) against him which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and the amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments, or
  - (b) An applicant has been convicted of a crime which directly relates to the duties and responsibilities of the licensed occupation which shall be determined by the nature and seriousness of the crime, the relationship of the crime to the purpose of the permit and the extent that the permit would allow someone to engage in further criminal activity, or;
  - (c) The required information is incomplete or incorrect or shows that a person is not otherwise entitled to conduct business as a mobile food vendor.
  - (d) The opportunity to reissue a permit has been denied due to previous violations as described in this section.
- (7) **Display of permit.** Every permit, including those from the City of College Station and Brazos County Health Department, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor's truck, concession cart, or concession trailer.
- (8) **Permit revocation or suspension.**
  - (a) A permit may be revoked upon conviction of any offense committed by an individual operating as a mobile food vendor in the City of College Station while engaged in the permitted business, or if a final conviction occurs or is found to have existed at the time of application, or if civil judgments, as set forth above, are placed or found of record against an applicant. A permit may be suspended in the event of pending charges of a crime, as set forth above, upon a magistrate's determination of probable cause in connection with such charges.
  - (b) A permit may be revoked for non-conformity to the application location specifications or requirements as well as to non-conformity to an approved location plan or diagram.
  - (c) Any employee working for an applicant permitted as an employer under this section above may be denied the right to solicit under such permit, or such rights may be suspended or terminated, under the same circumstances and procedures which apply to the holder of the permit. Revocation or suspension of an employer's permit terminates all employee permits.
  - (d) A permit may be suspended or revoked for not complying with the requirements of this section, or any other ordinances, or laws.
- (9) **Appeal of permit revocation, suspension, or denial.**
  - (a)

The notice of revocation, suspension, or denial of a permit shall include the procedure for appealing the suspension, revocation, or denial.

- (b) If a City official revokes, suspends or denies a mobile food vendor permit, the holder or applicant of the permit which has been revoked, suspended, or denied shall have the right of appeal to the City of College Station Planning and Development Services Director or designee by submitting an appeal in writing to the Director within ten (10) business days of the revocation, suspension, or denial.
  - (c) Pending action on the appeal, a permit which has been revoked or suspended shall be considered revoked or suspended.
  - (d) If a written appeal is not submitted within ten (10) business day of revocation, suspension, or denial, or if the appeal is denied, the permit shall hence be considered revoked, suspended, or denied.
- (10) **Reapplication after revocation, suspension, or denial of permit.**

If a mobile food vendor or applicant is not in compliance with this section or any other ordinances, laws, or the approved vendor application, the following actions will be taken:

- (a) **1st violation.** A warning may be issued, or the permit may be revoked or suspended and the vendor may become ineligible for new or reissued permit for three (3) months.
- (b) **2nd violation.** Permit will be revoked and the vendor may become ineligible for new or reissued permit for three (3) months.
- (c) **3rd violation.** Permit will be revoked and the vendor will become ineligible for new or reissued permit for one (1) year.
- (d) If an applicant's permit has been denied and the appeal is denied the applicant may not reapply for three (3) months.

C. **Zoning and location restrictions.**

- (1) **Distance regulations.**
  - (a) No mobile food vendor shall conduct business within any single-family residential or agricultural zoning district, including townhouse districts, but may be located in such districts when serving and within one hundred (100) feet to a property with an active building permit or located within a public park facility.
  - (b) A mobile food vendor may not be located within one hundred (100) feet of the primary entrance of an open and operating fixed-location food service establishments outside of Northgate. This buffer may be reduced upon receiving written permission from said establishments.
  - (c) **Northgate only.** A mobile food vendor may not be located within one hundred (100) feet of an existing business lawfully operating as a restaurant as defined by the Unified Development Ordinance within Northgate. This buffer may be reduced upon written permission from said restaurants.
- (2) A mobile food vendor shall not conduct sales at a stationary location:
  - (a) For a duration exceeding five (5) hours per location per day.
  - (b) **Northgate only.** For a duration exceeding five (5) hours per location, except from 10:00 p.m. to 2:00 a.m. in the NG-1 Northgate Core zoning district.
  - (c) For a duration exceeding thirty (30) minutes on any public street designated on the City of College Station's Thoroughfare Plan as a minor collector or lesser.
  - (d)

On any public street designated on the City of College Station's Thoroughfare Plan as a major collector or greater.

- (e) In congested areas where the operation impedes vehicular or pedestrian traffic.
- (f) In a designated bike lane.
- (g) Between the hours of 2:00 a.m. and 5:00 a.m.

(3) **Northgate and Wolf Pen Creek District.**

- (a) Concession carts, permitted as a mobile food vendor, may be located only within the Northgate zoning districts and Wolf Pen Creek District when operating at a mixed-use development. Carts must be positioned as to not disrupt pedestrian traffic and must maintain an abutting five-foot (5) clear space.
- (b) A mobile food vendor may not be located within twenty (20) feet of another mobile food vendor.

(4) **Location regulations.**

- (a) No mobile food vendor shall locate on any private property without written permission to do so and must comply if asked to leave by the property owner or City official. A copy of the written permission to operate in a specific location, signed by the private property owner, shall be kept within the mobile vending unit at all times.
- (b) No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill in or upon any motor vehicle without permission of the owner.
- (c) No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill upon any premises if requested by the property owner or City official not to do so, or if there is placed near or at the entrance thereof a sign bearing the words "no advertisement".
- (d) No person shall sell or offer for sale any item upon any premises if requested by the property owner or City official not to do so, or if there is placed at or near the entrance thereof a sign bearing the words "no peddlers or vendors", "no trespassing", or "no solicitors."

**D. Mobile food vendor requirements.**

The following regulations shall apply to mobile food vendors within any zoning district:

- (1) Each unit shall be equipped with a portable trash receptacle, and shall be responsible for proper disposal of solid waste and waste water in the sanitation facility legally accessed by the food service establishment. All disturbed areas must be cleaned following each stop at a minimum of twenty (20) feet of the sales location.
- (2) Continuous music or repetitive sounds shall not project from the mobile unit.
- (3) A five-foot (5) clear space can be maintained around the mobile food vending unit.
- (4) The mobile unit will be subject to inspection upon permit application through the Building Division of the Planning and Development Services Department and the Fire Marshal, and may be subject to random inspection and upon reissuance of the permit.
- (5) No sales are allowed within public park facilities while park concession units are operating.
- (6) A "No Smoking" sign must be posted next to the order window or area.
- (7) A tagged fire extinguisher shall be kept accessible as directed by the City of College Station Fire Marshal or designee.
- (8)

An extinguishing vent hood, Type 1 or other if approved by the City of College Station Fire Marshal, shall be required when the cooking process produces grease laden particles within the mobile unit. Said hood shall require testing in the presence of a College Station Fire Marshal designee.

**E. Offenses and regulations.**

- (1) It shall be unlawful for any individual as the agent or employee of another regulated under this section to sell edible goods in the City unless its principal or employer has received a permit under this section.
- (2) A permit issued under this section is not transferable.
- (3) It shall be unlawful for an individual to sell edible goods while displaying a valid permit issued by the City of College Station in the name of another individual, organization, or entity.
- (4) It shall be unlawful for any individual directly or through an agent or employee to sell goods within the corporate limits of the City after the expiration of the permit issued by the City of College Station under this section.
- (5) It shall be unlawful for an individual directly or through an agent or employee to misrepresent on the permit affidavit any acts that are regulated under this section.
- (6) It shall be unlawful for any individual directly or through his agents or employees to represent that the issuance of a permit by the City of College Station constitutes the City's endorsement or approval of the product for sale.
- (7) It shall be unlawful to operate a mobile food vendor operation that is not in compliance with the Texas Food Establishment Rules as amended from time to time.
- (8) A mobile food vendor permit may only be granted to a business that is associated with a food service establishment, as defined by this ordinance, unless the mobile food vendor is not required to obtain a permit from the Brazos County Health Department.
- (9) A violation of this section is a Class C misdemeanor and shall be punished by a fine pursuant to the general penalty set out in Section 1-5, of this Code of Ordinances.

**F. Exemptions.**

Individuals selling only non-refrigerated farm products in an unrefined state shall be considered as a mobile food vendor, as defined by this ordinance, but shall be exempt from the requirements of this section.

*(Ordinance No. 2011-3323 of February 24, 2011)*

*(Ord. No. 2012-3408, Pt. 1(Exh. A), 4-26-2012; Ord. No. 2012-3465, Pt. 1(Exh. A), 12-13-2012)*



## Outdoor Vendor Regulations

Last Amended with Ord. No. 2013-75 on August 27, 2013

### SEC. 601.16 OUTDOOR AND MOBILE FOOD VENDORS

(Ord. No. 2005-128, 07-14-05, Amended Ord. No. 2007-129, 11-13-07)

#### A. Purpose and Intent.

The regulations contained herein are not intended to prohibit or hamper speech that is protected by the First Amendment of the United States Constitution, but merely to regulate specific activities that are commercial in nature. It is the intent of these regulations:

1. To serve and protect the health, safety and welfare of the general public;
2. To establish a uniform set of rules and regulations that are fair and equitable;
3. To provide economic development opportunities to small entrepreneurs in the city; and,
4. To promote stable vendors who will enrich the city's ambiance and be assets to public security.

#### B. Permit Required

1. **Applicability.** It shall be unlawful for any person to engage in the business of outdoor vending or mobile food vending, as defined in Article 201 Definitions, unless he/she has first obtained a vending permit from the Planning Department, except as exempted in C. *Exemptions* below. All permits shall be issued according to the regulations herein.
2. **Application for Permit.** Applicants may request a Vending Permit for either (1) outdoor vending or (2) mobile food vending. The application for a vending permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including, but not limited to:
  - a. The applicant's full name, current address, telephone number and proof of identity, together with a full-face photograph of the applicant, not less than two inches square nor more than three inches square.
  - b. A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale.
  - c. Site plan showing proposed location and distances in compliance with the location requirements in Subsection D.3.
  - d. Detailed scaled drawing, or photo, of the conveyance showing dimensions and location of any proposed signs.
  - e. Written consent of the property owner, if applicable.
  - f. Proof of notification of adjacent property owner (i.e. certified mail receipt or letter from the owner), if outdoor vendor is adjacent to a residential district.
  - g. If the applicant is engaged in the sale of food or beverages, a copy of the Benton County Health Department Inspection certificate shall be provided.
  - h. If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation of employment.
  - i. If a motor vehicle is to be used, the motor vehicle make, year, model and license number.
  - j. Proof of registration to pay A&P tax.
  - k. In addition to the information listed above, mobile food vendors shall also provide:
    - l. Proof of current driver's license for all drivers.

*Strikethrough text is to be removed. Highlighted text is to be added.*

I. An Arkansas State Police Background Check conducted bi-annually.

II. Driver's license history report that shall be submitted annually.

3. **Fee.** The applicant shall pay the fee as adopted from time to time by City Council.

4. **Issuance of Permit.**

a. The applicant shall be notified in writing by the Community Development Director or his/her designee of the City's decision to issue or deny the vending permit not later than thirty (30) days after the applicant has filed a completed application with the Planning Department.

b. Each permit shall show the name and address of the vendor, the type of permit issued, the kind of goods to be sold, the amount of the permit, the date of issuance, the permit number, an identifying description of any motor vehicle or conveyance used by the vendor plus, where applicable, the motor vehicle registration number and a photograph of the vendor not less than two inches square nor more than three inches square. Each permit shall also show the expiration date of the permit.

c. All permits issued under this section shall be both non-assignable and non-transferable.

5. **Display of Permit.** Any permit issued by the Community Development Director or his / her designee shall be carried with the vendor whenever he/she is engaged in vending. Certificate of Health Inspection from the Benton County Health Department shall also be properly and conspicuously displayed at all times during the operation of the vending business.

6. **Expiration and Renewal.**

a. **Permanent Permit.** All permanent vending permits expire annually at midnight on December 31<sup>st</sup>. A vending permit may be renewed, provided an application for renewal and permit fees are received by the City no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The Community Development Director or his / her designee shall review each application for renewal, and upon determining that the applicant is in full compliance with the provision of these regulations, shall issue a new permit.

b. **Temporary permit.** All temporary permits issued shall be valid only for the time period established on the permit.

7. **Notification of Name or Address Change.** All vendors shall assure that the current and correct name, residence address and mailing address are on file with the Planning Department. Whenever either the name or address provided by a permitted vendor on an application for a vending permit changes, the vendor shall notify the Community Development Director in writing within 60 days of such change and provide the same with the name change or address change.

**C. Exemptions.**

1. **Exempt activities.** The provisions of the ordinance do not apply to:

a. Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment, or transfer.

b. The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books.

c. The distribution of free samples of goods, wares and merchandise by any individual from his person.

d. Sidewalk sales lasting no longer than three (3) consecutive days, so long as at least 4' of sidewalk remains clear for pedestrian access. No more than three sidewalk sales per business shall be permitted per calendar year.

*Strikethrough text is to be removed. Highlighted text is to be added.*

- e. Temporary sales to benefit non-profit organizations and conducted on private property. Such sales shall be conducted no longer than five consecutive days.
  - f. Merchants participating in outdoor markets or special events organized or administered by the City of Bentonville or Downtown Bentonville, Inc. Such merchants shall be approved by the organizing or administering agency. (Ord. No. 2009-77, 8-11-09)
  - h. Children's lemonade stands.
2. **Claims of exemption.** Any person claiming to be legally exempt from the regulations set forth herein, or from the payment of a permit fee, shall cite to the Community Development Director or his/her designee, the statute or other legal authority under which exemption is claimed and shall present proof of qualification of such exemption.
- D. Outdoor Vending.** The following requirements shall apply to outdoor vending at fixed locations.
1. **Private Property.**
- a. **Single Vendor.**
    - I. **Zoning Districts.** Outdoor vendors shall be permitted on developed private property only in commercial, DC, or industrial zoning districts. Outdoor vendors are prohibited in residential zoning districts.
    - II. **Number of Vendors.** Only one (1) outdoor vendor shall be permitted per lot. However, if more than one vendor is proposed for a single lot, it shall be considered an outdoor vendor park and shall meet the requirements for Outdoor Vendor Park below.
    - III. **Permission required.** Outdoor vendors shall first obtain written permission from the property owner prior to submitting for an application.
    - IV. **Size restrictions.** The area occupied by a vendor shall not exceed 900 sq. ft. and shall be located on hard surface paving.
  - b. **Outdoor Vendor Park.**
    - I. **Zoning Districts.** Outdoor vendor parks shall be permitted on private property as a conditional use in commercial, DC, Downtown Core and industrial zoning districts. Outdoor vendors parks are prohibited in residential zoning districts.
    - II. **Review Criteria.** The Planning Commission shall review the application based on the specific circumstances of the proposed vendor park including the location of the park, the size of the lot where the park is located, the types of surrounding land uses and the proximity to the park, parking, and any other potential impacts on public health, safety and welfare. The Planning Commission shall determine the number of outdoor vendors permitted within the outdoor vendor park.
    - III. **Requirements.** The property owner proposing an outdoor vendor park may be required to make any of the following necessary improvements to the property in order to meet the city development codes and be approved for this semi-permanent use:
      - a. Make any improvements necessary to the site to meet the requirements of Article 1400 Landscaping, Screening and Buffering of the Subdivision Code.
      - b. Make any improvements necessary to the site to meet the requirements of Article 501 Parking and Loading of the Zoning Code. This may include paving, striping and the construction or designation of handicapped parking spaces.
      - c. Make any necessary improvements to provide permanent utility connections for each outdoor vending unit in the outdoor vendor court. This shall include permanent water, sanitary sewer and electricity connections.

- d. Make any improvements necessary to ensure safe pedestrian and vehicular access to the site. This may include sidewalk and curb-cut improvements.
  - e. Individual outdoor vendor units operating in an outdoor vendor park shall obtain an outdoor vendor permit and shall meet all of the applicable requirements.
2. **Public Property / Right-of-Way.** Outdoor vending on public right-of-way and public property shall only be permitted in special outdoor vendor districts as identified herein or otherwise established by City Council.
- a. **Town Square Outdoor Vendor District.**
- I. **District Boundaries.** A special outdoor vendor district is created for an area around the Bentonville Town Square, between NE/NW 3<sup>rd</sup> St. to the north and SE/SW 3rd St. to the south, and NW/SW A St. to the west and NE/SE B St. to the east.
  - II. **Locations.** Vending locations within the Town Square Outdoor Vendor District shall be approved by the Planning Department based on the location restrictions in section D.3 below. A vendor shall be permitted no more than one vending permit in this district. Vendors with a valid permit for a specific location shall be permitted to continue at that location for so long as the permit under this section is continuously issued and does not expire or is not revoked pursuant to this section.
  - III. **Vending Stand.** Outdoor vendors in the Town Square Outdoor Vendor District shall be limited to hand carts, push carts or peddle carts with a dimension that shall not exceed 8 feet in length, 4 feet in width, and 6 feet in height, (exclusive of canopies or umbrellas). Vending stands shall be located on hard surface paving.
  - IV. **Special Events.** Outdoor vendor permits issued are invalid during special events coordinated by Downtown Bentonville, Inc. Downtown Bentonville, Inc. may provide written permission for the outdoor vendor to continue to conduct business during the special event, but may request the vendor to relocate or adjust operations to within a close reasonable proximity of the assigned location to accommodate any logistical or technical necessity. A copy of such letter shall be provided to the Planning Department.

**G. Size Restrictions.**

1. **Location Restrictions.** No outdoor vendor shall be permitted to operate in the following areas:
- a. Within an R (Residential) Zoning district.
  - b. Within 10 feet of any street intersection or pedestrian crosswalk.
  - c. Within 10 feet of any driveway, loading zone or bus stop.
  - d. In any area within 15 feet of a building entrance.
  - e. On the median strip of a divided roadway unless the strip is intended for use as a pedestrian mall or plaza.
  - f. In the Town Square Outdoor Vendor District, against display windows of a fixed location business, unless written permission is given by the business owner.
  - g. Any area within 100 feet of a hospital, college, university, elementary school, middle school or high school.
  - h. Within 10 feet of any fire hydrant or fire escape.
  - i. Within 10 feet of any parking space or access ramp designated for persons with disabilities.
  - j. In a public parking space or public parking lot.
  - k. Within 25 feet of any bus stop sign.
  - l. Within 50 feet of driveway to police or fire station.
  - m. Within 50 feet of principal public entrance to food service business not owned by vendor.
  - n. Any area that obstructs pedestrian traffic. Must provide four (4) feet clear passageway for pedestrians at all times.
  - o. Vacant or undeveloped property.
  - p. Any location other than the assigned location as expressly described on the permit.
  - q. City public park property.
  - r. On grass.

2. **Hours of Operation.** Outdoor vendors shall be allowed to engage in the business of vending only between the hours of 7 a.m. and 10 p.m.

**E. Mobile Food Vending.** The following requirements apply to mobile food vendors:

1. **Equipment Requirements.** All mobile food vendor conveyances shall have the following features:
  - a. Convex mirror mounted on the front of the vehicle such that the driver in his normal seating position can see the area in front of the truck obscured by the hood.
  - b. "SLOW CHILDREN CROSSING" sign printed in six inch black letters on yellow background on both the front and back of the vehicle.
  - c. Passenger side mirror.
  - d. Business name, address and phone number printed in 2" letters on each side of the vehicle.
  - e. Trash receptacle.
  - f. "Slow" signal arm that can be extended horizontally from the left side of the truck. This arm shall be yellow with six inch black lettering and two alternating flashing amber lights three to five inches in diameter. The bottom of the signal arm shall be approximately 42" above the roadway or street.
  - g. The vehicle shall be lawfully parked or stopped before vending can take place.

**2.General Requirements**

- a. "Slow" signal arm shall be deployed when vehicle is stopped for vending purposes.
- b. The vehicle shall not be stopped for vending purposes when no customers are present.
- c. Vending shall take place from the right side of the vehicle.
- d. Vending shall not occur with a customer standing within the roadway.
- e. Vending shall only include prepackaged products.
- f. Vehicles shall not be operated in reverse to accommodate a customer.

**3. Location Restrictions**

- a. Mobile food vending shall only take place on streets where on-street parking is allowed.
  - b. No vending shall be permitted within 500 feet of a school while school is in session and one hour before and after school is in session.
4. **Hours of Operation.** Mobile food vendors shall be allowed to engage in the business of vending only between 10 am and 30 minutes before sunset.

**F. Littering and Trash Removal.**

1. Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their business. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container.
2. Persons engaged in food vending shall provide a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

**G. Prohibited Conduct.**

No person authorized to engage in the business of vending under these regulations shall do any of the following:

1. Unduly obstruct pedestrian or motor vehicle traffic flow, except for up to 20 minutes to load and unload vending conveyance and/or vending merchandise.

2. Obstruct traffic signals or regulatory signs.
3. Stop, stand or park any motor vehicle or any other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.
4. Leave any conveyance unattended at any time or store, park, or leave such conveyance in a public way overnight.
5. Use any conveyance that when fully loaded with merchandise cannot be easily moved and maintained under control by the permittee, his employee or an attendant.
6. Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention. However, mobile food vendors are permitted to play non-vocal music within the regulations of the City of Bentonville noise ordinance, but shall not do so within 500 feet of hospitals, schools or churches.
7. Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
8. Use, install or display any signage that is not in compliance with Article 801 of the Zoning Code or lighting that is not in compliance with Sec. 1100.11 Outdoor Lighting of the Subdivision Code.
9. Altering vehicle to allow for additional signage.
10. No vending conveyance or other item related to the operation of a vending business shall be located on any city sidewalk or other public way during non-vending hours. Nor shall any mobile food vehicle be parked, stored or left overnight other than in a lawful parking place.
11. Run hoses, cords or other apparatus across a pedestrian pathway.

#### H. Suspension and Revocation of Permit.

1. **Conditions for Suspension / Revocation.** In addition to the penalties punishable as set forth in Bentonville Municipal Code Section 1.32.01, any permit issued under these regulations may be suspended or revoked for any of the following reasons:
  - a. Fraud, misrepresentation or knowingly false statement contained in the application for the permit.
  - b. Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending.
  - c. Conducting the business of vending in any manner contrary to the conditions of the permit.
  - d. Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners; or
  - e. Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations.
2. **Notification of Suspension or Revocation.** The Community Development Director or his/her designee shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the vendor of his right to appeal. Such notice shall be mailed to the address shown on the permit holder's application by certified mail, return receipt requested.
3. **Forfeiture of Fee.** If the City revokes a vending permit, the fee already paid for the permit shall be forfeited. A person whose permit has been revoked under this Section may not apply for a new permit for a period of one (1) year from the date that the revocation took effect.

## DEFINITIONS

**Conveyance (Outdoor Vendors):** Any publicly or privately owned vending stand, vending trailer, mobile food vehicle, or any other device designed for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise.

**Ice Cream Truck:** A specific type of mobile food vehicle that sells only prepackaged, single-portion ice cream or frozen confections.

**Mobile Food Vehicle:** A food establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer, that is readily movable without disassembling for transport to another location. Mobile food vehicles may serve as a conveyance for outdoor vending at a fixed location.

**Mobile Food Vending.** Vending from a mobile food vehicle, in which only prepackaged, single portion food is carried for purposes of sale while traveling along city streets, making periodic stops on streets where parallel parking is permitted and that do not exceed 15 minutes to accommodate a sale or sales. This definition shall include ice cream trucks. This definition shall not include vendors who distribute or deliver their products to regular customers on established routes.

**Mobile Food Vendor:** Any person that owns or operates a mobile food vehicle for the purpose of mobile food vending, as defined herein.

**Outdoor Vending.** Exhibiting, displaying, selling or offering for sale any food, beverages, goods, wares or merchandise from a conveyance at a fixed location on public or private property.

**Outdoor Vending, Private Property (Outdoor Vendors):** The exhibit, display, or sale of any food, beverages, goods, wares, or merchandise from a conveyance at a fixed location on private property.

**Outdoor Vending, Public Right-of-Way (Outdoor Vendors):** The exhibit, display, or sale of any food, beverages, goods, wares, or merchandise from a conveyance at a fixed location on public right-of-way.

**Outdoor Vendor (Outdoor Vendors):** Any person that exhibits, displays, sells or offers for sale any food, beverages, goods, wares or merchandise from a conveyance at a fixed location. This definition does not include a door-to-door peddler, solicitor, mobile food vending, children's lemonade stands or homeowners having garage sales.

**Outdoor Vendor Park.** A site that contains more than one outdoor vendor on a regular basis as the principal use of the land.

**Public Way (Outdoor Vendors):** All areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings.

**Pushcart or Handcart (Outdoor Vendors):** Any open-air wheeled device designed for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise and for being pushed by a person without the assistance of a motor vehicle.

**Sidewalk (Outdoor Vendors):** All that area legally open to the public used as a pedestrian public way between the curb line and the legal property line of the abutting property.

**Vending Stand (Outdoor Vendors):** An non-motorized, open-air fixture or device, such as a showcase, table, bench, rack, handcart, pushcart, stall that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise at a fixed location. This definition does not include vending trailers.

**Vending Trailer (Outdoor Vendors):** A device enclosed on at least three sides with a permanent roof, mounted on wheels, designed to be pulled by a motor vehicle for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise.

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## Article 11. Special Events and Mobile Food Vending

### Table of Contents

<b>Division I. Special Events</b> .....	2
Section 11.010. Purpose and Intent .....	2
Section 11.020. Definitions.....	2
Section 11.030. Permit Required.....	4
Section 11.040. Exemptions.....	4
Section 11.050. Fees for Special Event Permits.....	5
Section 11.060. Application Requirements .....	5
Section 11.070. Performance Standards .....	7
Section 11.080. Special Event Signs.....	10
Section 11.090. Consideration of Special Event Application.....	10
<b>Division II. Mobile Food Vending</b> .....	12
Section 11.100. Definitions.....	12
Section 11.110. Permit Required.....	12
Section 11.120. Exemptions.....	13
Section 11.130. Fees for Mobile Food Vendor Permits .....	13
Section 11.140. Application Requirements .....	13
Section 11.150. Performance Standards.....	13
Section 11.160. Mobile Food Vending Signs.....	15
Section 11.170. Consideration of Mobile Food Vendor Application	15

## Division I. Special Events

### Section 11.010. Purpose and Intent

The purpose and intent of this Article is to provide for the temporary use of land for Special Events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Article to protect nearby property owners, residents and businesses from Special Events that may be disruptive, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed event.

### Section 11.020. Definitions

The terms used in this Article, for purposes of the regulations in this Article, shall be defined as follows:

- A. **Special Event.** A temporary, short-term use of land or temporary structure(s), located or conducted outside, that is, not within a permanent building or structure. A Special Event may be on public or private street right-of-way, public property, or private property within the corporate limits of the City of Lee's Summit, Missouri ("corporate limits"), and may include, but not be limited to, the following types of activities:
1. **Athletic Event.** An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including but not limited to: running, jogging, walking, bicycling or skating, on any public street right-of-way or upon public property in the corporate limits.
  2. **Auction/Estate Sale.** Any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.
  3. **Auto Sales Tent.** A tent located on an auto sales lot for the purposes of a sales event and/or a promotional activity.
  4. **Block Party** - A neighborhood event, in which a street is temporarily closed and designated as a "play street."
  5. **Commercial Event.** Commercial activities, either on the same property as the primary commercial use, or on other private commercial property, which are intended to sell, lease, rent or promote specific merchandise, services or product lines, including, but not limited to: tent sales, sidewalk sales, trade shows, flea markets, product demonstrations or parking lot sales of food, art work or other goods. This definition does not include Mobile Food Vending (see Division II of this Article). (Amend. #43)
  6. **Entertainment Event.** An organized event having as its primary purpose the entertainment or amusement of a

Some Special Events require a permit – some don't. See Sections titled "Permit Required" and "Exemptions" below.

Special Events Permits are issued by Planning and Development, but Parade Permits and Block Party permits are issued by the Police Department. See Section titled "Permit Required" below.



Athletic events, such as a 10K walk or run for charity, require a Permit if they take place in the street.

Block Party Permits are issued by the Chief of Police. See Code of Ordinances, or City website under Police.

group of people, including but not limited to: carnivals, festivals, public firework displays, fairs, or concerts, on public or private property within the corporate limits.

7. Film Production. The process of making a film on public or private property within the corporate limits.
  8. Fireworks Sales Tent. A tent for the retail sale of allowed fireworks within the city limits of Lee’s Summit, during a specified time period preceding July 4 of each year, as further described in the Code of Ordinances.
  9. Garage Sales. The sale of personal property that is conducted on premises within a residential district upon which is located a dwelling, or on any portion of a lot used for residential purposes.
  10. Non-commercial Events. Fund-raising or non-commercial events sponsored by non-profit groups or non-profit organizations.
  11. Parade. Any march or procession consisting of people, animals, or vehicles, or any combination thereof, except funeral processions, upon any public street, sidewalk, alley, jogging trail, or bike path, which does not comply with normal and usual traffic regulations or controls.
  12. Political Event. An organized event, not including an athletic or entertainment event, having as its primary purpose the exercise of expressive activities of a political nature, including but not limited to speech making, picketing, protesting, marching, demonstrating or debating public issues.
  13. Seasonal Sales. Farmer’s market, Christmas tree sales, fruit, flower or vegetable sales, or sale of other seasonal products, when sold on property other than on the site where grown, constructed or assembled.
  14. Private Events. Events held on private property meeting all applicable codes and ordinances, including but not limited to wedding receptions and birthday events.
- B. Non-Profit Group or Organization. Any person(s), partnership, association, non-profit corporation, a 501(c) 3 corporation, or other group that does not distribute its surplus funds to its owners, shareholders or members, and whose activities are conducted for charitable, civic, or humanitarian motives, or for the benefit of others, and not for the private gain of any individual or group and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.
- C. Special Event Signage. Signage that is temporary in nature, is not permanently attached to the ground or sign surface, and is used to advertise any type of Special Event as listed herein, whether or not a Special Event Permit is required.

Fireworks Sales Tent Permits are issued by the Planning & Development Department. See regulations on the City’s website under Fire or Development.

Parade Permits are issued by the Chief of Police. See Code of Ordinances, or City website under Police.

Private events on private property do not require a Permit, unless they violate one of the restrictions, like impacting a public street.

**Section 11.030. Permit Required**

A. Except as otherwise provided under the Exemptions section of this Article (Section 11.040), a Special Event Permit is required for the following Special Events, as defined above:

1. Athletic Event.
2. Commercial Event.
3. Entertainment Event.
4. Non-Commercial Event, unless conducted entirely on private property owned or leased by the sponsoring non-profit group or organization.
5. Seasonal Sales Event.
6. All Special Events requiring street closure.
7. All Special Events which include street vendors to be located on public right-of-way.

B. A Special Event Permit is not required for the following types of events, but other Code of Ordinance based permits are required. The Code of Ordinance sections for the applicable permits are listed below:

1. Fireworks Sales (Chapter 13, Article III, of the Code of Ordinances).
2. Parades (Chapter 29, Article VI, of the Code of Ordinances).
3. Play Streets (Block Parties) (Chapter 29, Article I, Section 29-12, of the Code of Ordinances).

**Section 11.040. Exemptions**

The following Special Events are exempt from the requirements of this Section and do not require a Permit, unless the Special Event requires street closure:

- A. Auctions/estate sales.
- B. Auto Tent Sales located on private property and on an existing, legal, or legal non-conforming auto sales lot, and having a maximum duration of six (6) weeks.
- C. Commercial event, if it has a minimal impact on the community. Criteria for determining minimal versus significant impact shall include, but not be limited to the following: 1) public services required, 2) tent or other structure, 3) traffic circulation, 4) parking considerations, and 5) anticipated attendance. This could include centralized Special Events held within a shopping center parking area, not connected to individual businesses within the shopping center, with no off-site impact. The Director shall determine whether a Permit is required for a specific commercial event,

Permits for Fireworks Sales Tents are issued by Planning & Development after review by the Fire Department.

Permits for Block Parties (also called "Play Streets") and Parades are issued by the Chief of Police.

A sidewalk sale at an individual business or in a shopping center would qualify as an exempt "commercial event" if it meets certain criteria.

based upon the proposed extent of activities.

- D. Garage sales (up to 4 times per year), not to exceed five (5) days per event and twenty (20) days per year.
- E. Non-Commercial Event, if conducted entirely on private property owned or leased by the sponsoring non-profit group or organization, with a maximum duration of 72 hours.
- F. Political Events.
- G. Private Events.
- H. Any Special Event sponsored or co-sponsored by the City. Such events shall comply with the performance standards set forth herein. A City event requiring street closure requires a Special Event Permit.
- I. Any Special Event held within a public park. These events shall be governed by other provisions of the Municipal Code regulating conduct in City parks and recreation areas.
- J. Any business already operating under a Special Use Permit that regulates the display and sale of outdoor goods or authorizes the operation of any Special Event as defined herein.

**Section 11.050. Fees for Special Event Permits**

- A. Application Fee. An Application Fee shall be required upon submittal of each Special Event Application in accordance with the City’s Schedule of Fees and Charges.
- B. Fees for City Services. If the Permit applicant requests City services, or City staff determines the need or the City Council upon referral or appeal, as described in this Article, determines, as a condition of granting the permit, that public services or equipment must be provided to protect the public health or safety, the applicant shall be required to pay a fee for City services in accordance with the City’s Schedule of Fees & Charges. Payment for City services shall be paid prior to issuance of the permit.
- C. Fees for Athletic Events. Specific routes have been designated for athletic events. See the City’s Schedule of Fees and Charges.

**Section 11.060. Application Requirements**

- A. Application Required. A Special Event Application shall be submitted for any Special Event requiring a Special Event Permit, as outlined above under “Permit Required.”
- B. Application Deadline. A complete application shall be submitted at least 20 calendar days prior to the requested start date of a Special Event. The Director shall have the authority to waive the application deadline.
- C. Submission Requirements. The application shall set forth

Homeowners can have up to 4 garage sales per year.

Churches and schools can have fundraisers on their own property without a Permit.

“Downtown Days” is an example of a City-sponsored event.

“Legacy Blast” is an example of an event held in a public park.

Application Fee – see Schedule of Fees and Charges

Fees for City services, such as Police officers for traffic control or security, may be required.

Athletic special events, like bicycle races and 5K runs, using public right-of-way, must use a route established by the City.

An application must be submitted in time for the City to review it before the event occurs.

and contain the following information:

1. Name and/or brief description of the event.
2. Description of City services required for the event such as traffic control, street sweeping etc.
3. Fees, as required.
4. A written narrative, fully describing the proposed event, including
  - a. location
  - b. hours of operation
  - c. anticipated attendance
  - d. buildings or structures to be used in conjunction with the event
  - e. proposed signs or attention attracting devices
  - f. public streets to be used, if any
5. A statement that the standards set forth in this Article have been satisfied.
6. A site plan in the form and the level of detail as required by the Director, showing the location of all existing or proposed uses, structures, parking areas, outdoor display areas, signs, streets, and property lines.
7. Date and time of the event to include start and ending dates and times.
8. Contacts: Name and address of the owner of the premises on which the proposed event is to be held and the name and address of the applicant.
9. Written approval from the property owner agreeing to the proposed event, if the applicant is not the same as the property owner.
10. Location and number of proposed temporary public toilets.
11. Proposed temporary potable water supplies, which shall be reviewed by the Water Utilities Department, pursuant to the Code of Ordinances.
12. A recycling plan, which shall include the following information:
  - Name of the sanitation company, hauler, and or staff that will be providing bins, emptying bins, and transporting the bins for proper disposal.
  - Location where the recyclables will be transported for disposal.
  - Site plan indicating the location of bins.

All Special Events must have a recycling plan.

- Number of bins provided.
- Description of any signage that will be used to advertise the recycling opportunity.
- List of materials to be utilized at the event, and whether all of the materials will be offered for recycling.
- Description of how often recycling bins will be emptied.
- Description of how recycling bins will be differentiated from other trash bins. The recycle bins must be clearly labeled as such so as not to create confusion with regular trash bins.
- Any other information deemed necessary by the Director in order to ensure compliance with the standards set forth in this Article.

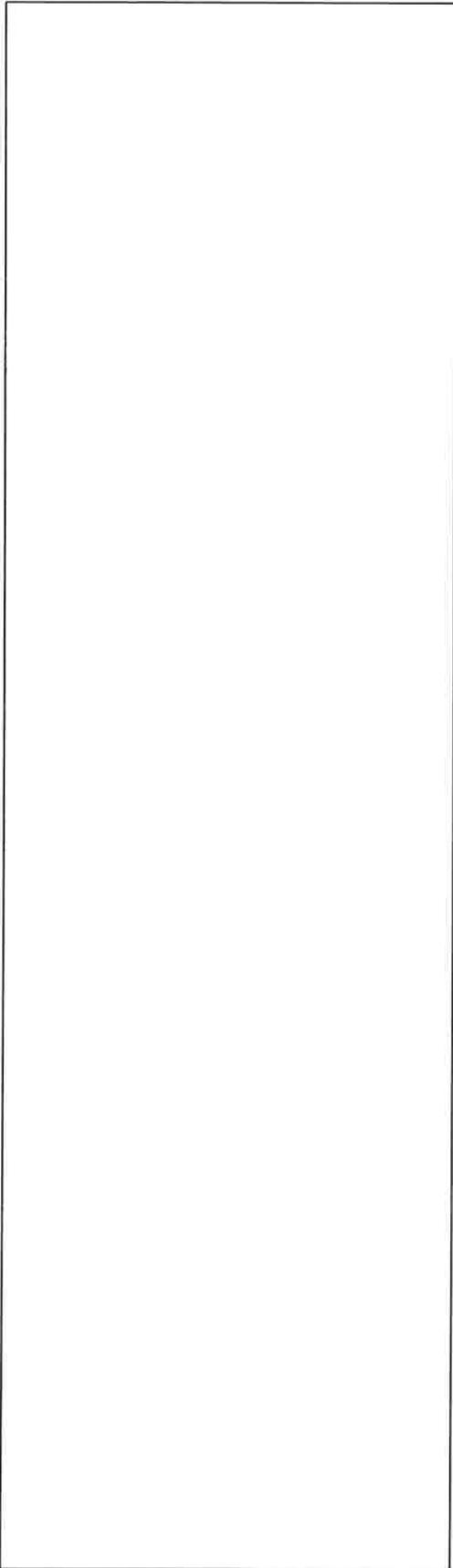
13. Proof of liability insurance. If the Special Event will take place on public property, said certificate of insurance shall name the City as an additional insured party in an amount determined by the City Manager based on the nature of the Special Event.

14. A statement that ensures indemnification of the City and that public property will be protected and/or restored to its condition prior to the Special Event.

**Section 11.070. Performance Standards**

Special Events shall comply with the following standards:

- A. Location. Special Events that do not require the use of public right-of-way shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct Special Events on any property where the owner has granted permission. For all Special Events that require the use of public right-of-way, the Permit shall clearly specify the streets to be used for the event and the time that the streets will be closed, if applicable.
- B. Land-Use Compatibility. The Special Event shall be compatible with the purpose and intent of this Section and with adjacent land uses. The Special Event shall not impair the normal, safe and effective operation of a permanent use on the same site. The Special Event shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the Special Event, given the nature of the activity, its location on the site and its relationship to it.
- C. Compliance with Other Regulations. All applicable provisions of the Building Code (Chapter 7 of the Code of Ordinances) and the Design and Construction Manual shall



be met. Permit holders must at all times comply with all applicable legal and regulatory provisions, including, without limitation, health code regulations. (Amend. #43)

- D. Restoration of the Site. Any temporary structure shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other evidence of the Special Event. If the site is not returned to its previous condition, the City may restore the site at the expense of the applicant.
- E. Hours of Operation. The hours of operation of a Special Event shall be consistent with the surrounding land uses.
- F. Duration. The maximum duration of a Special Event shall be as set forth below, unless modified by conditions attached to the issuance of the Special Event Permit. (Amend. #43)
  - 1. Athletic Event - three (3) days.
  - 2. Auto Tent Sales (Exempt) - six (6) weeks.
  - 3. Commercial Event - three (3) days.
  - 4. Commercial Event (Exempt) – three (3) days.
  - 5. Entertainment Event - seven (7) days.
  - 6. Garage sales (Exempt) – five (5) days per event, up to 4 times per year, not to exceed twenty (20) days per year.
  - 7. Non-Commercial Event - three (3) days.
  - 8. Non-Commercial Event (Exempt) – three (3) days.
  - 9. Seasonal Sales Event:
    - a. ninety (90) days if up to 20% of the parking lot is used for the event;
    - b. one hundred eighty (180) days if up to 10% of the parking lot is used for the event.
- G. Traffic Circulation. The Special Event shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic unless special approval is received for blockage. No alleys, driveways, fire lanes or other access points shall be blocked by the Special Event unless specific approval is granted for the Special Event.
- H. Parking Restrictions. Approval of a short-term parking restriction can be granted through a Special Event application as determined by the City Traffic Engineer. Special Event Permit recipients shall be responsible for securing, installing and immediate removal of all required No Parking signs upon cessation of the Event. (Amend. #43)

<b>Special Event Maximum Duration</b>	
<b>Type of Special Event</b>	<b>Duration</b>
Athletic	3 days
Auto Tent Sales	6 weeks
Commercial	3 days
Entertainment	7 days
Garage Sales	5 days
Non-Commercial	3 days
Seasonal	90 or 180 days (depends on % of parking used)
Special Event Temporary Signage	30 days, or as approved by the director

- I. Street Closings and Temporary Traffic Control. Special Event Permit holders shall be responsible for securing, installing and immediate removal upon cessation, all required temporary traffic control, including but not limited to all barricades and signs when street or lane closures are approved. All temporary traffic control shall be in accordance with the Manual on Uniform Traffic Control Devices, subject to approval by the City Traffic Engineer. The approval of a Special Event Permit shall waive the requirement for any applicable Temporary Traffic Control Permit required.
- J. Off-street Parking.
  - 1. All off-street parking surfaces used for the Special Event shall be concrete or asphalt.
  - 2. No more than twenty percent (20%) of the parking stalls required for the structure associated with the parking lot in which the Special Event occurs shall be permitted to be used for a Special Event.
  - 3. For seasonal sales events with a duration of over 90 days and up to 180 days, no more than ten percent (10%) of the required parking stalls shall be permitted to be used for the Special Event.
  - 4. Special Events shall not cause a shortage of parking for the primary use on the property on which they are located. Special Events shall not create a shortage of parking for uses on properties surrounding the property on which they are located.
- K. Anchoring Devices. No spikes, nails, anchors or other devices shall be driven into any public street or sidewalk. Such devices may be used on private parking lots provided any damage resulting therefrom shall be repaired upon cessation of the event and removal of the devices.
- L. Fire Safety. The City's Fire Department shall be consulted for the following requirements and inspection, as necessary.
  - 1. Fire lanes a minimum of 20 feet in width and 12 feet in height or as otherwise approved by the Fire Chief, must be provided in order to allow Fire Department access within 150 feet of all structures and on at least two sides of all two-story structures within 500 feet of the location of the Special Event.
  - 2. All fire hydrants in the area of the Special Event must be left with five (5) feet of clearance on all sides and shall be accessible from the fire lanes that are designated with the event.
  - 3. No open fires shall be permitted unless advance approval is obtained from the Fire Department.
  - 4. Fire extinguishers shall be available as determined by the Fire Chief.

Regulations for street closings and traffic control.

Parking regulations.

Fire Safety regulations.

- 5. Temporary electrical wiring for the Special Event shall be installed in accordance with the requirements of the National Electrical Code.
- 6. Tents shall comply with the Fire Code and applicable building codes.
- 7. Exit signs and proper exiting aisles shall be provided in temporary Special Event structures.
- M. Public Conveniences and Litter Control. Adequate on-site rest room facilities and solid waste containers shall be provided. The applicant shall calculate the demand for such facilities and specify how the need will be addressed.
- N. Recycling. A recycling plan shall be required. Beginning January 1, 2012, styrofoam and glass food and beverage containers will be prohibited at all Special Events. A recycling haulers report shall be required after the completion of the event.
- O. Nuisances. The Special Event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.

**Section 11.080. Special Event Signs**

- A. No separate Sign Permit shall be required for signs related to a Special Event.
- B. Signs related to a Special Event which requires a Special Event Permit, as defined and regulated in this Article, shall be allowed only as authorized in the approval of the Special Event by the Director. The time limit for temporary signs advertising the event shall be specified in the Special Event approval, with 30 days being the standard guideline.
  - 1. Signs for community-wide Special Events, as determined by the Director, may be placed off-site throughout the community, on private property, subject to approval of the location(s), and permission of the property owner(s).
  - 2. Signs for Special Events that are not community-wide, as determined by the Director, may only be placed on the property where the event is being held.
- C. Signs related to a Special Event not requiring a Special Event Permit shall be allowed only on the property where the event is being held.

**Section 11.090. Consideration of Special Event Application**

- A. The Director may approve any Special Event Permit after determining that the event will comply with all Special Event performance standards and application criteria and requirements. (Amend. #43)
- B. Appeal of Denial.

Signs for Special Events need to be approved but don't need a separate Sign Permit.

1. The denial of any application by the Director shall be in writing.
  2. The applicant, in the event of a denial of a Special Event Permit, and a Permit holder, in the event of the revocation of a Special Event Permit, shall have the right to appeal a decision of the Director to the City Council.
  3. Appeal to City Council. Applicants denied a special event permit may appeal to the City Council by filing such appeal with the City Clerk with full documentation supporting his or her application within 10 days of the denial.
  4. Schedule. Appeals shall be placed on the first available City Council meeting agenda for consideration.
  5. City Council Consideration. The City Council action shall be final and may include additional fees to cover the cost of providing city services and/or any other conditions deemed necessary to protect the general welfare of the City and the public.
- C. Prohibition on Transfer. No Special Event Permit issued under the provisions of this Section shall be assignable or transferable to any other person or transferable to another location for the operation of a Special Event by that person or at a different location.
- D. Conditions of Approval. When issuing a Special Event Permit, the Director or City Council may establish additional conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses, including, but not limited to:
1. Limitation of events. Special Events which require City services during the event shall be limited to one (1) per day or (1) per weekend subject to availability of personnel, as determined by City staff. Scheduling shall be on a first come-first served basis.
  2. Pre-established routes. Specific routes have been designated for athletic events. Applicants will be given their choice of the pre-established routes from the selection list maintained by the Police Department. Such routes are subject to change due to unforeseen circumstances and as such, applicants should check the route status and confirm their route choice prior to advertising their event. Denial of a specific route may be appealed to the City Council pursuant to "B" above.
  3. Signs. The number, size, location, or time limit for signs may be limited.
  4. Temporary arrangements for parking and traffic circulation.
  5. Modifications or restrictions on the hours of operation,

Pre-established routes for Athletic Special Events.

duration of the event, size of the event or other operational characteristics.

- 6. The provision of traffic control or security personnel to ensure the public safety and convenience.
- 7. Posting of security, in an amount required by the City Manager, for Special Events where the anticipated attendance is one thousand (1000) or more people to help ensure that the operation of the event and the subsequent restoration and cleanup of the site are conducted according to required Special Event standards and conditions of approval.

**Division II. Mobile Food Vending (Amend. #43)**

**Section 11.100. Definitions**

As used in this Article, the following terms or phrases are defined as follows:

- A. Mobile Food Vending. The act of selling food and/or beverages by operating a mobile food truck, a mobile food cart, or a mobile packaged food delivery truck.
  - 1. Mobile Food Cart. A non-self propelled vehicle or stand limited to serving: a) non-potentially hazardous foods, as defined by the Jackson County Environmental Health Department, or b) commissary-wrapped food maintained at proper temperatures, or c) limited to the preparation and serving of hot dogs or similar sausages.
  - 2. Mobile Food Truck. An enclosed vehicle, truck or trailer licensed to operate on public roads in which a person travels from place to place to serve food or beverage.
  - 3. Mobile Packaged Food Delivery Truck. An enclosed vehicle or truck licensed to operate on public roads in which a person travels from place to place to deliver packaged food that has been previously ordered.
  - 4. Single-Unit Mobile Food Truck. A Federal Highway Administration (FHWA) Class 1-7 vehicle, with vehicle weight less than 33K lbs, that is licensed to operate on public roads in which a person travels from place to place to sell packaged food items.

**Section 11.110. Permit Required**

Except as otherwise provide in section 11.120 of this Article, a Mobile Food Vendor Permit is required for the following:

- 1. Mobile Food Carts, when:
  - a. Located on a public sidewalk; or
  - b. Located in public or private parking spaces
- 2. Mobile Food Trucks.

**Section 11.120. Exemptions**

A Mobile Food Vendor Permit is not required for the following:

1. Mobile Food Carts, when:
  - a. Conducted in front of a store on private property; and
  - b. The property owner permission has been obtained; and
  - c. Not occupying a parking space; and
  - d. Not impacting pedestrian, bicycle, or motor vehicle traffic circulation or other safety issues.
2. Mobile Packaged Food Delivery Trucks
3. Neighborhood Refreshment stands and other similar products.

**Section 11.130. Fees for Mobile Food Vendor Permits**

Application Fee. An application fee shall be required upon submittal of each Mobile Food Vendor Permit application, in accordance with the City’s Schedule of Fees and Charges.

**Section 11.140. Application Requirements**

- A. Applicants for Mobile Food Vendor Permits must comply with the Application Requirements set forth in section 11.060 of this Article.
- B. If on private property, no site plan shall be required.

**Section 11.150. Performance Standards**

- A. Location on Private Property. Mobile Food Vending is permitted in all zoning districts on private property if: a) the vendor has obtained the permission of the property owner; and b) the vendor is in compliance with all provisions of this Division, including those sections addressing permits; and c) the vendor must be located on a paved surface.
- B. Location in Right-of-Way.
  1. The vendor shall not locate within a sixty (60) foot radius from the primary entry of a brick and mortar restaurant during posted hours of operation, unless they have written permission from the restaurant owner.
  2. Mobile Food Vending is prohibited from the right-of-way in residential areas, with the following exception:
    - a. Single-Unit Mobile Food Trucks that do not exceed a 15-minute parking duration for sales/services are permitted.
- C. Location during an Entertainment Event (festival). The vendor shall not locate within one-half mile from the

Examples of Exemptions:

A hot dog cart in front of a store on private property does not need a permit, but if it’s in the parking lot, or on a public sidewalk, a permit is required.

“Mobile Packaged Food Delivery Trucks” bring pre-packaged food to your house after you order it from a company. No permit is required.

No permit is needed for a refreshment stand in front of your house or clubhouse or store to sell cookies or lemonade. You need permission of the property owner.

The exception for “Single-Unit Mobile Food Trucks” will allow ice cream trucks that stop briefly on residential streets, but a permit is required. Larger food trucks or trucks that set up for longer than 15 minutes are not allowed to sell food on residential streets.

boundary of any entertainment event (festival) requiring street closure, except when:

1. The vendor has written authorization from the festival/event coordinator to operate within the festival boundaries or within one-half mile thereof.
- D. Hours of Operation and Duration. Mobile Food Vendors can operate with no limitations on days and hours, with the following exception:
1. Mobile Food Trucks in the CBD (Central Business District) area, shall be limited to 9:00 p.m. to 2:00 a.m. any night of the week, except that Mobile Food Vendors participating in Entertainment Events (festivals) in the CBD shall be limited to the hours of the festival. Other hours can be approved by Director of Planning and Development on a case by case basis.
- E. Compliance with Other Laws and Regulations. Vendors must at all times comply with all applicable legal and regulatory provisions, including, without limitation, health code regulations.
- F. Restoration of Site. Immediately upon cessation of the vending, the site shall be returned to its previous condition, including the removal of all litter, or other evidence of the vending. If the site is not returned to its previous condition, the City may restore the site at the expense of the applicant.
- G. Health and Safety Criteria. Mobile Food Vending shall not impair the normal, safe and effective operation of a permanent use on the same site. Mobile Food Vending shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the Vending, given the nature of the activity, its location on the site and its relationship to it.
- H. Traffic Circulation. Mobile Food Vending shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic unless special approval is received for blockage. No alleys, driveways, fire lanes or other access points shall be blocked by the Vending unless specific approval is granted for the Vending.
- I. Off-street Parking.
1. All off-street parking surfaces used for Mobile Food Vending shall be concrete or asphalt.
  2. No more than twenty percent (20%) of the parking stalls required for the structure associated with the parking lot in which the vending occurs shall be permitted to be used for Mobile Food Vending.
  3. Mobile Food Vending shall not cause a shortage of

Mobile food vendors are allowed **inside** the festival boundaries, during festival hours. They are not allowed **outside** the festival boundaries, within ½ mile, unless the festival coordinator gives permission.

Mobile food vendors are allowed anywhere in the city, except downtown, at any hours, subject to the "Performance Standards" for safety, traffic, parking, etc.

In the downtown area, mobile food vendors can only operate from 9 in the evening to 2 in the morning, unless there is a special reason for different hours (such as a holiday), and they get permission from the City.

parking for the primary use on the property on which they are located. Mobile Food Vending shall not create a shortage of parking for uses on properties surrounding the property on which they are located.

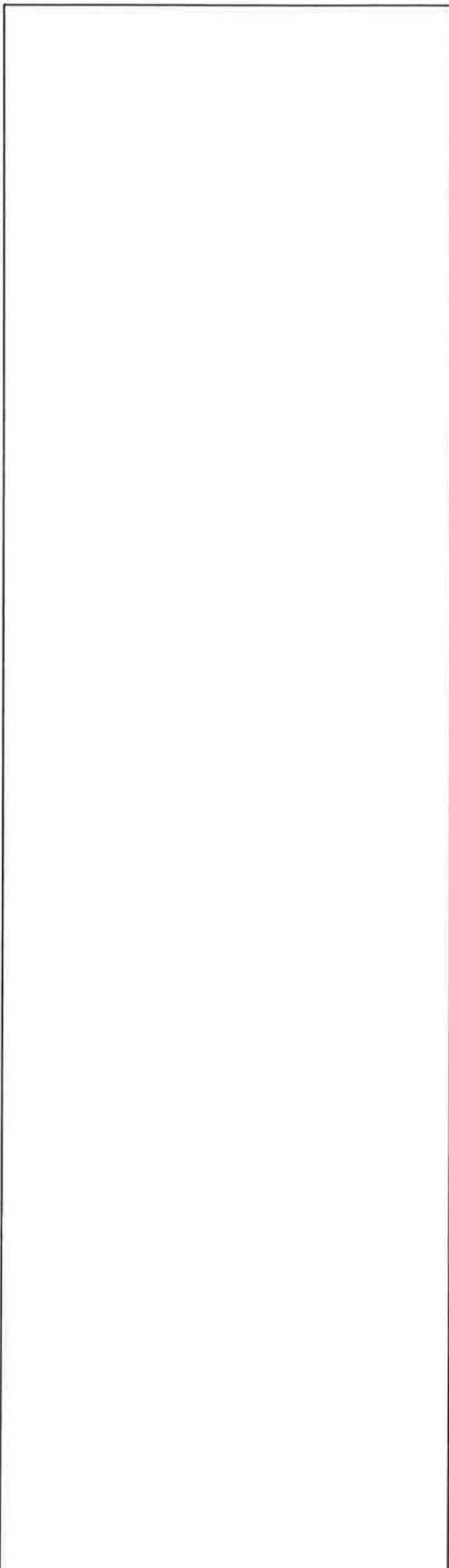
- J. Anchoring Devices. No spikes, nails, anchors or other devices shall be driven into any public street or sidewalk. Such devices may be used on private parking lots provided any damage resulting therefrom shall be repaired upon cessation of the event and removal of the devices.
- K. Nuisances. The Mobile Food Vending shall not generate excessive noise, dust, smoke, litter, glare, spillover lighting or other forms of environmental or visual pollution.

**Section 11.160. Mobile Food Vending Signs**

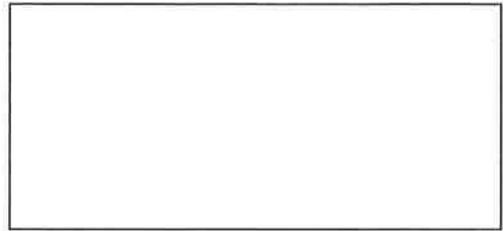
- A. No separate Sign Permit shall be required for signs related to Mobile Food Vending.
- B. Signs related to a Mobile Food Vendor shall be limited to signs that can only be affixed to the vehicle and one (1) sandwich board sign in immediate proximity of the Vendor unit or truck.

**Section 11.170. Consideration of Mobile Food Vendor Application**

- A. The Director may approve any Mobile Food Vendor Permit after determining that the event will comply with all Mobile Food Vending performance standards and application criteria and requirements.
- B. Appeal of Denial.
  - 1. The denial of any application by the Director shall be in writing.
  - 2. The applicant, in the event of a denial of a Mobile Food Vendor Permit, and a Permit holder, in the event of the revocation of a Mobile Food Vendor Permit, shall have the right to appeal a decision of the Director to the City Council.
  - 3. Appeal to City Council. Applicants denied a Mobile Food Vendor Permit may appeal to the City Council by filing such appeal with the City Clerk, with full documentation supporting his or her application, within 10 days of the denial.
  - 4. Schedule. Appeals shall be placed on the first available City Council meeting agenda for consideration.
  - 5. City Council Consideration. The City Council action shall be final and may include additional fees to cover the cost of providing city services and/or any other conditions deemed necessary to protect the general welfare of the City and the public.



C. Prohibition on Transfer. No Mobile Food Vendor Permit issued under the provisions of this Section shall be assignable or transferable to any other person or transferable to another location for the operation of Mobile Food Vending by that person or at a different location.



## Lee's Summit, Missouri – Mobile Food Vending

The City recently created regulations for mobile food vendors operating in our community. Those regulations allow for hours of operation, location on public and private property and health and safety guidelines. The details are located in Article 11 - Special Events and Mobile Food Vending in the Unified Development Ordinance (UDO). There are also regulations for food carts, such as hot dog vendors, in the amendment.

## Lee's Summit, Missouri – Mobile Food Vending

Here are some quick facts for mobile food vending: Locating on private property requires the property owner's permission and cannot negatively impact pedestrian, bicycle, or motor vehicle traffic circulation or cause safety issues. Hours of operation are not restricted. Locating in public parking spaces (on City streets) cannot be within 60 feet of a permanent ("brick and mortar") restaurant during posted hours of operation, unless written permission from the restaurant owner is obtained. Locating in the downtown area (Central Business District) is permitted from 9:00 p.m. to 2:00 a.m. daily. Requests can be made for other hours of operation during special occasions, such as holidays. Operating during downtown festivals is permitted within the festival during festival hours. Mobile Food Vendors are prohibited within one-half mile outside the festival. Mobile food vendors are required to obtain a permit from the Jackson County Health Department and meet state and county regulations. Annual City permits are required in most cases. For more information, contact the City's Planning & Development Department at (816) 969-1600. - See more at:

<http://cityofls.net/Development/articleType/ArticleView/articleId/1736/Mobile-Food-Vending%20.aspx#sthash.3q5jPxql.dpuf>

Downtown (C-6) Property Owners  
Survey Results

**CITY OF FORT SMITH  
MOBILE FOOD VENDING SURVEY  
RESULTS**

Number of Surveys Mailed to Business Owners in the C-6 zoning District - 188

Surveys Returned – 69 (37%)

1. Are you in favor of allowing mobile food vending, such as food trucks and food trailers, to operate in the Downtown Commercial-6 zoning district of the Central Business Improvement District?

YES	53	(77 %)
NO	15	(22%)
Question Not Answered	1	(1%)

2. Do you believe that mobile food vendors, such as food trucks or trailers, should be required to maintain a specific distance from established “brick and mortar” restaurants?

YES	46	(67%)
NO	18	(26%)
Question Not Answered	5	(7%)

3. Would you be in favor of allowing mobile food vendors to vend from public parking spaces?

YES 39 (57%)

NO 28 (41%)

Question Not Answered 2 (2%)

**Downtown (C-6) Property Owners  
Comments**

Mobile Food Vending Survey  
C-6 Property Owner Comments

1. I think this would be a great addition to the downtown area. I'm sure the existing restaurants will object but I think this would increase overall activity downtown & wind up being good for the traditional restaurants in the long run.
2. There should be standards for the vendors – appearance and condition of truck & trailer or mobile carts. One glaring example of no standards is the large pickup parked on Garrison Avenue (near Rolando's) advertising a tattoo business.
3. Questionable concerns - traffic hazards – sanitary
4. Food trucks have been very well received in Little Rock. Several have gone on to open “brick and mortar” restaurants (i.e. Beja Grill, Kbird, etc.).
5. I think brick and mortar restaurants should be protected – but?
6. More choices downtown can be nothing but good and help draw more people to the area.
7. Regarding separation distance, I don't see a problem if the food type is different. In some cases, a variety can increase foot traffic and all restaurants benefit.
8. Nuisance – why would anyone invest in downtown (in the restaurant business) if you allow food trucks.
9. I don't want vendors in front of my business.
10. No mobile food vending or food trailers.
11. Food vendors should be required to provide restrooms and washing facilities. Also pay property taxes and insurance on areas they use.
12. A mobile food court might be interesting – would allow for bathrooms and seating for patrons.
13. Separation distance should be 75 feet. Would be in favor of allowing use of parking lots, but not parking spaces.
14. I will support restaurant owners' on separation distance.
15. All mobile food units should have a fire suppression system installed and maintained with the NPSA, including fire extinguisher.
16. Not in favor of mobile food vending, food trucks, or trailers.
17. Would only be in favor of using parking spaces if there are sufficient spaces for vendors' customers parking around the food vendor.
18. In favor of separation, but it should be short.
19. Food vending would be good for downtown Fort Smith.
20. Must meet State standards for food preparation.
21. This is a very good idea that will bring more business to the downtown area.
22. I have no objection for having the food vendors downtown.
23. Fayetteville has a good setup model for this – a designated space for several mobile vendors.
24. The vendors do not need to be downtown where there is limited parking space as is. We have to pay for parking.
25. Just as the city monitors all eateries, same should apply.

26. Would be good to have a central location for all food trucks with seating that is possibly covered.
27. Food trucks have been successful in Tulsa.
28. I have tried to get the parking meters removed from my office building for parking for tenants, but they cannot be removed. Now you want to allow food vendors to take up public parking – seems a conflict.

Downtown (C-6) Restaurant Owners  
Survey Results

**CITY OF FORT SMITH  
MOBILE FOOD VENDING SURVEY  
RESULTS**

Number of Surveys Mailed to Restaurant Owners in the C-6 zoning District - 21

Surveys Returned – 8 (38%)

1. Are you in favor of allowing mobile food vending, such as food trucks and food trailers, to operate in the Downtown Commercial-6 zoning district of the Central Business Improvement District?

YES	2	(25%)
NO	6	(75%)
Question Not Answered	0	

2. Do you believe that mobile food vendors, such as food trucks or trailers, should be required to maintain a specific distance from established “brick and mortar” restaurants?

YES	8	(100%)
NO	0	
Question Not Answered	0	

3. Would you be in favor of allowing mobile food vendors to vend from public parking spaces?

YES 1 (13%)

NO 7 (87%)

Question Not Answered 0

Downtown (C-6) Restaurant Owners  
Comments

## C-6 Restaurant Owner Comments

1. I serve food and don't want someone selling food close to my business.
2. They must be subject to the same food establishment requirements as brick and mortar. I feel they should be obligated to pay for assigned space they occupy and work/operate within.
3. As an established "brick and mortar" restaurant, we are totally against allowing mobile food vending downtown.
4. My concern with this is there is limited downtown parking. I feel this would take away from the business parking-also might be a hazard. I might not be opposed if there were good, safe locations for them.

**Planning Commission Special Meeting –  
February 23, 2015  
Public Comments Summary**

Planning Commission Special Study Session

Creekmore Park Community Center – Rose Room

February 23, 11:30 a.m.

Public Comment Summary

A special planning commission study session was held on this date to receive public comments on potential amendments to the existing mobile vending ordinance, including an amendment to allow mobile food vendors to operate in the Commercial Downtown (C-6 zoning district). Approximately 30-35 people attended the meeting. The meeting was attended by downtown business owners, restaurant owners, and interested citizens. Following is a summary of the public comments:

Some attendees indicated they would be interested in vending downtown if the time limit was 120-180 days, but would not be interested in vending just a few hours. However, two attendees indicated they would be interested in vending at 4-hour increments in parallel parking spaces. Also the ability to vend in the evening hours was suggested.

Questions were asked about requirements for trash receptacles and how hookups to electricity, water, and wastewater would be regulated. Will generator noise be a problem? Mobile food trucks need the ability to get a trash can picked up from sanitation and would like to set up porta-potties.

City should provide some places downtown for the trucks to park. Provide electricity, water, etc.

An active food vendor stated that his investment was substantial to the community (i.e., he pays taxes, has employees, provides a service to the community, and enhances cultural experiences through food diversity. Costs to operate out of a mobile trailer are more than a bricks and mortar restaurant.

Did not think there needed to be a separation from bricks and mortar restaurants.

Consideration should be made to restrict vending to parks. Utilizing parking spaces downtown could create parking problems downtown. Concern was also expressed that vendors may have a negative impact on brick and mortar restaurants and that litter might become a problem.

A suggestion was made that consideration be given to establishing a transfer fee for mobile food vendors that would allow them to make a location change prior to 120 days without having to pay the full permit fee. Also, permit times need to be extended to 180 days or a year.

# Facebook Survey

Survey Questions, Results, & Comments

# Mobile Food Survey Facebook Questions

1. Would you like to see more mobile food vendors in Fort Smith?
2. Would you visit a mobile food court?
3. Would you visit downtown to go to a mobile food court?
4. Do you believe that mobile food vendors should be required to maintain a specific distance from established “brick and mortar” restaurants?
5. Would you be in favor of mobile food vendors vending from on-street parking spaces?



### Constant Contact Survey Results

**Survey Name:** Mobile Food Truck Survey

**Response Status:** Partial & Completed

**Filter:** None

3/3/2015 4:06 PM CST

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Would you like to see more mobile food vendors in Fort Smith?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			908	94.4 %
No			52	5.4 %
No Response(s)			1	<1 %
<b>Totals</b>			<b>961</b>	<b>100%</b>

---

Would you visit a mobile food court?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			913	95.0 %
No			46	4.7 %
No Response(s)			2	<1 %
<b>Totals</b>			<b>961</b>	<b>100%</b>

---

Would you visit downtown to go to a mobile vendor food court?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			834	86.7 %
No			118	12.2 %
No Response(s)			9	<1 %
		<b>Totals</b>	<b>961</b>	<b>100%</b>

---

Do you believe that mobile food vendors should be required to maintain a specific distance from established "brick and mortar" restaurants?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			276	28.7 %
No			680	70.7 %
No Response(s)			5	<1 %
		<b>Totals</b>	<b>961</b>	<b>100%</b>

---

Would you be in favor of mobile food vendors vending from on-street parking spaces?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			729	75.8 %
No			222	23.1 %
No Response(s)			10	1.0 %
		<b>Totals</b>	<b>961</b>	<b>100%</b>

**Citizen Comments – Question Two**  
**Would you visit a mobile food court?**

Just to see what its like	Anonymous
We supported Patrick's when it wad a food truck and look at it now! We drive all the way up to Fayetteville to visit their food trucks. Step up the game fort smith!!!	Anonymous
If I were aware they spoke English.	Anonymous
Yes but should be very clean	Anonymous
Don't know if It's safe	Anonymous
Especially if they were like the food trucks on tje food network. Serving a better class of food. Creative and delicious. Not just more taco trucks. But trust. I love the taco trucks.	Anonymous
It gives us an opportunity to try different food. Also its like a experiment to the vendors instead of losing a lot on opening a restaurant they can test try first	Anonymous
I'm tired of all the chain restaurants in the Fort. I know there are a lot of locals that cook amazing food.	Anonymous
Sometime different than Mexican food trucks.	Anonymous
I'm from Ca. Food trucks are everywhere. And they were awesome	Anonymous
It's a easy and fun way to get a quick lunch.	Anonymous
depends on the quality of the food	Anonymous
I love the mexican taco ones	Anonymous
Would love to have access to more food cultures as well!	Anonymous
Depends on location. I don't think its the best idea	Anonymous
ALWAYS!!!!	Anonymous
The rest of the country has these amazing, creative food trucks on streets or in courts. Is it a requirement that we are 10 to 20 years behind on everything? Yes to the food trucks, already.	Anonymous
Need more local options of Organic choices of food grown nearby.	Anonymous
I love options for unique food.	Anonymous
They need to be spread all around town. A mobile food court would only serve a few people. It also doesn't allow the vendors to reach their target markets. Maybe if there were several food courts around town (7-8 locations)	Anonymous
Only if they were clean, very clean!	Anonymous
A mobile food court may not be sustainable - may be a better idea to have food trucks post up at certain busier hours (lunch M-F or late night on weekends) in strategic areas (downtown, near big business during lunch) and make announcements on social media where they will be serving that day.	Anonymous
Ilove them	Anonymous
They are super convenient.	Anonymous
I'd go several times a week and encourage others to come with me	Anonymous

I live in downtown Fort Smith and I'd visit the downtown food truck vendors 5 times a week. Downtown Fort Smith needs a more diverse food scene. I'm tired of driving across town to eat at a chain restaurant when I know the flavor of Fort Smith could really thrive.	Anonymous
Would not be fair to stab Lish businesses that have to pay property tax and sales tax and other taxes and business license	Anonymous
Depending on what is being offered. Also, need to provide an area for seating.	Anonymous
But I wouldn't want that to be the only place they were located.	Anonymous
Assuming the product was good and area clean,	Anonymous
especially on Memorial Day when nothing is open and the town is packed for the Rodeo Parade.	Anonymous
YES! Love the one in Fayetteville of Dickson!	Anonymous
We have driven to Fayetteville to visit them.	Anonymous
I already do and they sure have fresh tasting food.	Anonymous
Like them to visit my work. A 30 minute lunch is,hard to grab food and make it back to eat.	Anonymous
I think it would be so nice to be able to eat a lot of different foods in our downtown area.	Anonymous
They are very popular right now and in key areas they would do well. ESPECIALLY, in the spring and summer months. In the winter months, food trucks already do well. Can you imagine a hamburger or pizza food truck?! Awesomeness	Anonymous
Mobile food is cheaper, and is just as good as a restaurant. To be able to have a variety of mobile food together would be great.	Anonymous
I've been waiting for this in fort Smith.	Anonymous
Depends on what was being offered. I visited Patricks Burgers often.	Anonymous
Food trucks are awesome!!	Anonymous
The Draw of a mobile food vendor, typically, is convenience. The fact that a vendor is located near my workplace or a store I am visiting. Having them all located in one place would be counterproductive to that, as they would no longer be spread out and convenient.	Anonymous
Definitely! Especially if there was a great variety of vendors and some unique eateries.	Anonymous
There are already too many "food trucks" scattered around town that are run down and some haven't moved for months.	Anonymous
I do everybtime I see one in a real city	Anonymous
Fort Smith is behind the times in addressing this.	Anonymous
Only as a convenience if I was near one. I doubt that I would search one out.	Anonymous
They would be a nice addition to special events such as the Rodeo parade or Christmas parade.	Anonymous
They cost to much	Anonymous
Absolutely, i'd love to be able to visit a mobile food court PROVIDED that it actually consisted of unique and interesting food vendors (as opposed to just mobile versions of establishments that already exist).	Anonymous
I'm begging our city to get current on the food truck scene! This town needs variety, healthier fast food!	Anonymous

Google Portland, Oregon's food trucks, you'll be amazed!	
I'm originally from fort smith & have been in Austin for 6 months. The live music played at food truck parks is very nice & the food is greasy!	Anonymous
I think it would draw a lot of people.	Anonymous
It would be better if they were spread out.	Anonymous
Absolutely! That would be such a great attraction..especially downtown!	Anonymous
Yes, there are some cities that attract visitors to there food trucks	Anonymous
As long they pass health dept inspection	Anonymous
But it's not necessary	Anonymous
I would love to have this in Fort Smith! I would love to park my own food truck in a food truck court!	Anonymous
When we travel we live to eat at food trucks! The variety is great and the people who congregate at themp, we enjoy the visiting and the food too!	Anonymous
It is great to have a variety of food to pick from. Also supporting local businesses.	Anonymous
Its good for everyone. With jobs so low in Fort Smith, they should encourage entrepreneurship	Anonymous
Fayetteville placed them on Dickson, attracting more people to the downtown area. It's great in all weather and attracts people after a night out! Garrison would be a great place for this.	Anonymous
Absolutely. We need more options for food!	Anonymous
Downtown could definitely benefit from one!	Anonymous
Warily...if I knew they had vegetarian/vegan options, I would readily!	Anonymous
I loved going to patrick's burgers.	Anonymous
Bonus points if they accept plastic!	Anonymous
Bring us shawarmas and falafels! We have no shawarmas and falafels in Fort Smith. This is a travesty. Our community is incomplete.	Anonymous
One of the best parts of my visit to Portland Oregon a few years ago was hitting up the "block of food trucks". It was pretty wonderful to talk a walk along a block and have access to a myriad of foods.	Anonymous
There is no place for them in this city. They can buy/lease property like other businesses in town. I will not support their businesses because of this.	Anonymous
Food trucks are something I really miss about Dallas.	Anonymous
If the mobile food court was kept clean, appealing there is a possibility I would support but not if the vehicles are dirty, hand painted signs with dirty workers.	Anonymous
Thank you for the opportunity to voice my opinion. Please send out more and I will do my best to fill every one. -awb	Anonymous
Yes!!!!!!!!! Especially during the spring and fall.	Anonymous
Yes!!	Anonymous
I visited a Mobile food court in Houston, Texas. It was fun for everyone in the family. I'd love to see	Anonymous

something similar to that in Fort Smith.

I think mobile vendors and mobile food trucks are trashy looking and a sight for sore eyes. You drive all over the Northside of fort smith and it just reminds me of "o I can't afford a restaurant let me buy some piece of junk truck and sale food out of it". There are trucks on the north side of town that has been in the same spot for years. I seen Mexican food trucks that pull up at mlk park for soccer events or busy Saturdays I guarantee they are not getting permits or paying taxes on it.

I have visited many mobile food trucks in other cities like NYC and San Franscisco and ultimately I seek them out over regular restaurants because the food is always good. They are experts in their field whether it be sandwiches, desserts, Asian food, etc. and the food always shows that. Plus it's quick and there is no fuss, no muss. In and out is nice for a quick lunch. Although seating is always a problem that's why I'd like to see a dedicated area where trucks and people can be.

Get with the times Ft Smith! Anonymous

If it had a clean health sticker Anonymous

They have them in Fort Worth, TX and they are awesome!! Some of them have even been on the cooking channel!!!! Anonymous

I don't know how viable a mobile food court would be without a vibrant nightlife to support it though. Anonymous

I lived in the Del/Mar/Va area and there were some wonderful food trucks around. Particularly along the mall in DC and Georgetown. Delicious food! Anonymous

They should be off the beaten path so to speak. Most have a tendency to be trash looking. So a specific look needs to be established. Maybe colors could vary for individual uniqueness. But this town needs to keep the trashy look away from here. Anonymous

If it looked sanitary Anonymous

It depends on how it's organized. Anonymous

Different foods not just one kind Anonymous

Fayetteville has a mobile food court on N College that looks great. If they can make it work near Dickson there's no reason it couldn't work near our downtown businesses. Anonymous

I would love more food choices. Anonymous

Only if a reg controlled restaurant isn't available Anonymous

I'm from Fort Smith and now living in Tulsa. So many events involve food trucks! Anonymous

I feel like this would be a great opportunity to add more character to FS as a city and create more local business. Anonymous

At least 2-4 times weeky to support local business Anonymous

Good food at good price Anonymous

As long as the mobile food trucks are well-kept and it doesn't look like a trailer park! Anonymous

Fort Smith needs a change. Would be nice to visit downtown and have a choice of what type of food you may want to try. I may want one type of food while my husband may want to try something different. Anonymous

There are plenty of rest. around, support those please. Anonymous

### Citizen Comments – Question Three

#### Would you visit downtown to go to a mobile vendor food court?

That's the same as question number two....	Anonymous
Put it near ben geren park. There arent any other eateries over there.	Anonymous
Downtown is out of my way	Anonymous
If it's good food	Anonymous
If it is good!!	Anonymous
Absolutely!	Anonymous
Don't trust them. Is it safe to eat. What's their regulations like usda	Anonymous
I will go where ever to try different food vendor.	Anonymous
To far	Anonymous
Down on Garrison would be one great place for them	Anonymous
I love downtown, but I avoid this area in the evening due to homeless population and drunk drivers.	Anonymous
I work downtown. More food options that are quick for lunch would be welcome.	Anonymous
I work downtown. I would be out getting food a lot more if they were trucks. It's faster and easier.	Anonymous
Wouldn't always have to be downtown	Anonymous
If the food is good enough I'll travel up to 100 miles for a meal.	Anonymous
Yes, if there were a large enough number of choices; especially at lunchtime during the week.	Anonymous
I would love it anywhere near Rogers avenue.	Anonymous
Like in Austin, TX and Fayetteville.	Anonymous
Depends on what time they are there.	Anonymous
That is a great idea to get people downtown.	Anonymous
I would go downtown to have a good time and would love it if there were more food options that are also available after some other options are unavailable.	Anonymous
Too far out of the way. Also, what's to keep the certain vendors from hogging the same locations every day, and not allowing newer vendors to get spots in the court? (I see fights in the future, people could get hurt...esp. if someone takes someone elses usual spot)	Anonymous
Too far and parking and traffic are not ideal	Anonymous
A lot!	Anonymous
I'd go all the time and would probably visit the farmers market more frequently if there was a food truck presence	Anonymous
I live in downtown Fort Smith and I'd visit the downtown food truck vendors 5 times a week. Downtown Fort Smith needs a more diverse food scene. I'm tired of driving across town to eat at a chain restaurant when I know the flavor of Fort Smith could really thrive.	Anonymous

No because it would not be fair to established businesses to have to pay property tax charge sales tax and car legal employees	Anonymous
Would not go as often. If it was centralized it would help.	Anonymous
It would also be great to see them near the University!	Anonymous
Possibly, but I'm not downtown much	Anonymous
I don't think you go somewhere to visit a mobile food court. Kinda a dumb question. But a mobile food court would keep me downtown to spend time and money.	Anonymous
If that is where they are...sure!	Anonymous
it has to be convenient tho..	Anonymous
Not specifically but would use one if close by.	Anonymous
Great for downtown area	Anonymous
If they are good enough and unique enough. There would also need to be a place to sit and eat.	Anonymous
I would rather it be in a central location than downtown.	Anonymous
the parking lot between 2nd & 3rd and garrison & A street would be ideal. same lot used for farmers market.	Anonymous
Why confine them to one place? Let free market capitalism work!	Anonymous
For sure.	Anonymous
Depends on the vendor	Anonymous
Downtown is FULL of drunks at night. If you drink, you're GOING to eat.	Anonymous
Not sure.	Anonymous
I would not visit a mobile vendor food court, no matter where it was located. If I am to go out of my way to purchase food, I will visit a restaurant.	Anonymous
If you allow food trucks they need to be monitored and not allowed to be junky like the current ones are.	Anonymous
Maybe on occasion or if in the area. It would be out of my way. I'd rather it be a more central location. Or even travel around the city.	Anonymous
I got to Fayetteville every week and eat at the food truck court	Anonymous
However, I live on the Far East side of town, so looking at an eastern or southern site in addition to downtown would be appreciated.	Anonymous
That would not be my primary objective for being downtown. If I go downtown to eat, I want a place to sit down out of the elements.	Anonymous
I have kids to keep up with I'd rather a kid friendly place	Anonymous
Downtown would be a great place to do this!	Anonymous
Absolutely! I enjoy downtown, already. The area that hosts the farmer's market would be perfect for many trucks!	Anonymous
LITTLE ROCK has them	Anonymous

I would rather not though. The city is big enough to support mobile food trucks in multiple locations.	Anonymous
But why is it that everything has to be downtown.	Anonymous
Love going to eat downtown with outdoor seating	Anonymous
In conjunction with an event, like a festival.	Anonymous
Absolutely!!	Anonymous
If it were placed where the farmers market is located. Parking downtown is awful.	Anonymous
Sweet nightlife idea	Anonymous
On the weekends yes, Although during the week would prefer something more towards Mercy	Anonymous
If it's unique food and very good and does not compromise a retail store of same like menu within a agreed distance from each other	Anonymous
If I knew there to be vegetarian/vegan options	Anonymous
Not convenient enough.	Anonymous
Possibly, but I don't think everything should be downtown. Parking is limited down there at times.	Anonymous
My home town does a weekly gathering/festival in the summer with food trucks and music. It is a great way to build the community and continue to improve downtown.	Anonymous
Yes, but can't we go other places than just downtown? Is this a ploy to bring more traffic that way? Downtown isn't convenient for most of the city during lunchtime.	Anonymous
I work downtown.	Anonymous
I've been to one in austin, and dallas, and both were awesome. Of course its all gonna depend on how good the food is.	Anonymous
And I work downtown, so that would make it easier. I leave the downtown area for lunch now. Our choices are limited downtown and most of the food is too expensive, and I tend to be in a hurry when I am able to eat lunch.	Anonymous
I think that a "food court" would be a big draw to the downtown area. We already have a good mix of storefronts that are drawing people downtown and the museum is supposed to increase that. Having a mobile vendor food court would be a good food option for the downtown visitors.	Anonymous
There is no place for them in this city. They can buy/lease property like other businesses in town. I will not support their businesses because of this.	Anonymous
Why limit opportunity? Let's create an active downtown! From a downtown business owner for the last 24 years.	Anonymous
Absolutely x10	Anonymous
If the mobile food court was kept clean, appealing there is a possibility I would support but not if the vehicles are dirty, hand painted signs with dirty workers.	Anonymous
Thank you for the opportunity to voice my opinion. Please send out more and I will do my best to fill every one. -awb	Anonymous
I actively seek out reasons to go downtown. More are welcome and needed!	Anonymous
If the food is good and not a steak mobile or a taco truck.	Anonymous

Yes, downtown, and to tie into question 5, on street parking sounds like a great match.	Anonymous
These would be successful in areas with a lot of walking, like downtown.	Anonymous
That would be great! We need more options downtown.	Anonymous
I live and work near the airport.	Anonymous
I would visit it if it was on rogers Ave. close to mercy hospita.	Anonymous
I think they take away from people trying to do things the right way. You can drive down north o right now and see them on blocks and bricks. I think this is trash and sight for sore eyes. I can't see driving to a city as a tourist and see a bunch of beat down trashy trucks all over the place with no rhyme or reason.	Anonymous
I think the more attractions we can have in downtown the better. This would definitely be a plus for downtown and attracting more people to visit. I would like to see it branch out of downtown though at some point to a more central location like Central Mall Parking lot (the mall is dying and all that parking would be an ideal place).	Anonymous
I don't like garrison ave.	Anonymous
See above comment. Food trucks menus do not tend to be "cheap" though.	Anonymous
Depends on how good it was.	Anonymous
Maybe over by the trolley station. Fix up the field in that area for them, but not visible from Garrison avenue.	Anonymous
Downtown is not the best place for it... it should be centrally located.. Maybe off of phoenix ave or Located by the college	Anonymous
Again, it depends on how it's organized. If I'm going for lunch and have to park and walk several blocks, probably not. If I'm downtown for another reason, that wouldn't be an issue. But there's not a lot to draw people downtown after 5 p.m.	Anonymous
My family and I (three kids, two adults) live in the Chaffee Crossing area. We do not go downtown often for a bite to eat. We choose downtown for more of date night/night out with friends. What about doing something around the waterpark area?	Anonymous
I only eat and promote locally owned restaurants. So yes, I will continue to visit downtown for lunch and dinner on a regular basis	Anonymous
Allowing food trucks downtown might also bridge into those businesses moving into vacant buildings downtown if their business grows.	Anonymous
This is a tentative yes. I would intend to, but in reality I wouldn't regularly. I don't usually go out of my way for anything, and my location lends more to the Rogers/Massard area.	Anonymous
I think the competition would hurt the restaurants downtown, especially for workers in that area who are the lifeblood of DT eateries. Let them go East and South.	Anonymous
Why Food courts are food courts.	Anonymous
In the parks	Anonymous
Too difficult to get to.	Anonymous
Maybe but doubtful. It should be more centrally located, not at one extreme end of town.	Anonymous
That would be perfect to help bring people to downtown and an another aspect or event to help drive foot traffic and increase sales of all ready established local business.	Anonymous

If they have good food sure.

Anonymous

only at events.

Anonymous

### Citizen Comments – Question Four

#### Do you believe that mobile food vendors should be required to maintain a specific distance from established “brick and mortar” restaurants?

I don't understand this question	Anonymous
No more than 200 ft.	Anonymous
Should not be permitted in restaurant parking lots.	Anonymous
Why would it matter? If you were planning to go to the sit down restaurant, the mobile food vendor would not be what you wanted. One would not deter the other.	Anonymous
I think its up to the vendors them self to decide where the best location for them is. But they shouldn't be able to park in any of the restaurants parking lot.	Anonymous
It's totally different atmosphere	Anonymous
It's more important that they are in a location that does not impede traffic. The Pavilion parking lot could be a nice location for foot trucks to rotate.	Anonymous
I don't think it's fair for them to be directly competing say on the company property like the parking lot. And it's not very fair to those companies who are established and without wheels to have to compete with trucks very close to them.	Anonymous
Why? It's not like restaurants aren't right next to each other! Example: chili's and outback. Food trucks should be allowed to park anywhere!	Anonymous
I think I would be inappropriate to park in front of a restaurant but it would be nice for them to have a spot similar to the farmers market.	Anonymous
If a person has a restaurant in mind I don't see them changing their mind just because they saw a food truck.	Anonymous
Nighttime events would be the exception. One block away but if the truck offered something totally different than any of the brick establishments I would reconsider.	Anonymous
The company with the better tasting food will get the customers no matter where it's located.	Anonymous
If established restaurants are worried about losing business to competitors of any kind, they should evaluate their service, quality, and prices.	Anonymous
As long as it don't affect traffic flow.	Anonymous
A business is a business	Anonymous
Good food will win out.	Anonymous
Economc protectionism sucks	Anonymous
Not particularly but I don't own a restaurant. If they have legitimate concerns, that should be taken into consideration.	Anonymous
Competition is healthy	Anonymous
It would be appropriate & respectable if food trucks were not positioned in close proximity to restaurants with the same food. This would also help aid any divisions between the trucks and restaurants.	Anonymous
I choose where to eat based on what I want. If I want brick and mortar that's what I'll choose regardless of the mobile truck's proximity to it and visa versa.	Anonymous

This is free enterprise country and if a food truck can do a better job than brick and mortar then why would we stop that? May the best man win.	Anonymous
Yes and no....If the restaurant doesn't have a problem with the vendor, then it's ok. If they have a problem with it then the vendor should find another place.	Anonymous
Let the food and service determine success	Anonymous
Within reason - for example, it would be troubling for a "brick and mortar" restaurant if a food truck popped up in their parking lot.	Anonymous
If they have the permits and meet health standards and are not blocking the entrance and not on their personal property than I see no reason for them to not be able to sale their product.	Anonymous
In other cities they are down the road from other fast food joints and restaurants.	Anonymous
Let the people decide. You're opening a huge can of worms with this part because the food trucks will end up done the road. They need to be on garrison or a side street of garrison as close as possible to the corner.	Anonymous
Allow the food trucks to set up wherever they want. We live in a capitalistic society and competition is the basis of our economy.	Anonymous
Yes 100 miles would be if sufficient	Anonymous
If you're on the business side, of course they don't want any competition next to them. The customer will go where they want to eat despite location of food truck.	Anonymous
Whatever happened to the notion of competition?	Anonymous
But a REASONABLE distance. Not like two blocks.	Anonymous
We don't control one restaurant opening next door to another so why would the food vendors be under different rules? It seems to me it smacks of those who have power and those who don't.	Anonymous
That's silly. Brick and mortar restaurants can be next door to each other. Food is food! Make it good, and I will be there!	
I really hope FS does this food truck thing. It is so hip and FS could use a little more coolness and a little less lameness. Maybe it could be the beginning of the downtown being less stuffy (sorry, but government buildings and empty storefronts are lame) are more arty and fun!	Anonymous
If a business wants to rent out part of their parking lot I think that is fair	Anonymous
competition is america!	Anonymous
As long as they do not utilize their private parking areas or block customers from entering the establishment.	Anonymous
Only not to block the door or visibility of the store front	Anonymous
If a restaurant can be next door to another restaurant, why would a food truck need to keep a set distance? Besides that, when an individual makes a choice to engage with a specific business, It doesn't really matter much where they are in relation to another business.	Anonymous
No one should be afraid of a little competition.	Anonymous
100'	Anonymous
Yes if they are the same genre of food: a taco truck shouldn't be allowed to park within 2 blocks of say Taco Bell. Although, Panera and McAlister's are stupidly close together. And they shouldn't be allowed to	Anonymous

park in restaurant parking lots. Otherwise, no. How is a food truck different from another eatery?	
Just out of courtesy	Anonymous
This country thrives on capitalism. Not everything is fair in this world.	Anonymous
If a brick and mortar restaurant can be build next door to another brick and mortar restaurant then a food truck should be able to be as close.	Anonymous
No restaurants are right next to each other what is the difference?	Anonymous
If the mobile food vendor has made a contract for space in any location, they should be able to occupy that space. It is as ridiculous as saying you can't have two "brick and mortar" restaurants next to each other.	Anonymous
If what they are serving is different, it lessons competition	Anonymous
There is really nothing to compare here. It's about free enterprise. The city will make revenue from permits and taxable income by allowing these businesses to operate. B & M restaurants have dining rooms, if people want to sit down they will still go to those establishments. I wouldn't turn my back on a favorite restaurant because a food truck was down the street, but I would like the opportunity to choose between the 2 just like I have in any major city I've traveled to.	Anonymous
Maybe a little bit	Anonymous
should be more than 250 feet.	Anonymous
Why would they when restaurants can be side by side or next door?	Anonymous
Who is to say that another restaurant opens next door?	Anonymous
Now out of courtesy, I could see a rule that encourages people with the same type of food to not open next to them (fried chicken right next to a KFC or church's for example)	Anonymous
Yes, It would not be fair to block a competing brick and mortar restaurant from the street view. They should not park in front of any other store without permission from the store owner. Parking downtown is important to store owners. I understand streets are public property and not under the control of store owners, but downtown is a special deal	Anonymous
No, if the brick and mortar store gives permission or wants to put their own truck in front of their business to catch both sides of the sidewalk.	
They deserve to compete just like everyone else	Anonymous
Putting restrictions on commerce is seldom a good idea. Let the citizens decide who they want to support through the use of their wallets.	Anonymous
If there is no requirement that "brick and mortar" food establishments be a certain distance apart, then there should not be specific rules about distance that only favor the "brick and mortar" establishments over the food trucks.	Anonymous
Why should they be? We need more variety rather than chains.	Anonymous
I don't think so based on the fact other restaurants are by each other, however blocking the restaurant I would see an issue. People eating at a food truck go their for specific things that you don't really get inside a restaurant.	Anonymous
You don't regulate two restaurants being right next door to eachother, so this is no different.	Anonymous
let the people choose where to eat	Anonymous

Why, we let restaurants build next to each other.	Anonymous
Food service is a business. People want the best food for the price. It's up to the people to decide what they want! Brick and mortar restaurants should not be granted a safe zone just because they are in a building.	Anonymous
It not fair for hamburger barn to have compition at there front door	Anonymous
I think people should be able to choose--restaurant or food truck.	Anonymous
This is discriminatory! Brick and mortar restaurants don't have a choice if an restaurant moves in next door! I think as long as they are not physically blocking business, they should be allowed!	Anonymous
I think there is room for all variety of food businesses p.	Anonymous
As long as they are not blocking their front door, I don't see the purpose of this question.. OH WAIT our city directors feel as if they are unimportant unless they can regulate everything.	Anonymous
If they are parked on public parking or in a place with permission	Anonymous
I am not going to pick a vendor if I want a restaurant	Anonymous
How does that make any sense?? Why are the brick and mortar restaurants against competition?? That is part of this City's problem!	Anonymous
See above statement # 3	Anonymous
Just that they should not be within maybe 20 feet or in a restaurant's parking lot.	Anonymous
Unless it is a short distance. Like not on the same block downtown.	Anonymous
Our downtown isn't exactly huge, and I doubt food trucks are going to take much business from places like Rolandos and Bravo Italian or the new brew pub. These are mostly pricier sit down restaurants. I'd love to be able to walk to food trucks from my office in Media Square behind Bravo. That wouldn't take any longer than my standard trip to Wendy's by the hospital where I drive through and spend \$3.24 on dollar menu items. I've never even been in Bravo. Lunch needs to be cheap.	Anonymous
Nope, I would LOVE to see a mobile truck right outside La Huerta. If I want to sit down and experience a meal with them I could go inside. If I just wanted a quick taco or chips, I could grab it from their food truck instead of trying to put in a to go order (which is not easy to eat while walking around)	Anonymous
They should not be allowed at all!	Anonymous
Competition will only improve options for consumers!	Anonymous
A reasonable distance from specified restaurant parking. However, if a food truck can hinder an established restaurants business I would not blame the food truck.	Anonymous
Only requirement is they can't be in the existing restaurant's parking lot.	Anonymous
There should be a designated area for a Mobile Food Truck Court where first come gets pick of spots each day.	Anonymous
Thank you for the opportunity to voice my opinion. Please send out more and I will do my best to fill every one. -awb	Anonymous
Just so far as to not prohibit the restaurant's normal logistical operation.	Anonymous
There is no difference between two restaurants beside each other and a restaurant and a food truck beside each other.	Anonymous

Two restaurants can be side by side, what's the difference?	Anonymous
If I was going to a restaurant a mobile food truck parked close to that establishment would not change my mind on where I was going to eat	Anonymous
I have not heard of this requirement in other cities where food trucks are more established. If anything brick and mortar businesses would be happy to have trucks close to their businesses. Lots of people waiting in line and might discover a new store they didn't know about. Food trucks bring people, not the other way around. Other businesses should be happy to have those people around instead of them going to other parts of the city to eat.	Anonymous
Not necessarily in a mobile vendor food court, but I don't think random mobile food vendors should be able to set up in parking lots of existing brick and mortar restaurants.	Anonymous
Food trucks should be allowed to set up anywhere that they would normally be allowed to be, like public parking spaces and any private property where they're welcome. We need to get the government out of regulating and restricting commerce. Especially commerce like food trucks that is commonly an entry-level step fo local entrepreneurs.A good recent local example is Patrick's Burgers. They were a food truck, and they prospered and grew and now have rented a brick and mortar restaurant space.	Anonymous
I said yes, but as long as they do not block parking and entrances, I have no problem.	Anonymous
As long as the menus don't conflict, food trucks can actually attack business to a brick and mortar restaurant	Anonymous
I don't think they should be able to set up shop on the curb at their front door but other than that, competition is good for consumers.	Anonymous
There is no rule saying that another restaurant can't open next to you... Mobile food vendors are the beginning of Brick and mortar building because they are a small business trying to make it to the "big Leagues" Give the small guys an oppurtunity to become someone no everyone has a million dollars to start up a business and I believe this is a great way to start!	Anonymous
Depends on the type of food sold and I do believe they should have their own place.	Anonymous
With the caveat that they shouldn't be able to block the entrance to a "brick and mortar" restaurant. It's called competition, you change with the times or die. If the brick and mortar folk are smart, they'll participate in mobile vending to compliment their existing business.	Anonymous
It's a free market. as long as a food truck has permission to park in a certain location I don't believe there should be restrictions on how close they are to a particular restaurant or business. I strongly believe competition amongst restaurants eliminates the weak links ie establishments with poor food quality, unclean environments, bad service, etc.	Anonymous
All the city should do is keep other vendors off private property. While I appreciate the business owners who operate downtown the city doesn't protect businesses in other parts of town from competitors, so downtown vendors shouldn't be given special accommodation.	Anonymous
Do you prevent other brick and mortar restaurants from opening too close to other ones? No? Then don't penalize food trucks. They attract a different clientele than traditional restaurants anyway. La Huerta's business won't be impacted by a taco truck across the street.	Anonymous
They should be courteous and not park right in front of their door, but if there is someone willing to lease them space near a traditional restaurant, it shouldn't matter exactly how far away it is.	Anonymous
The shouldn't be allowed to park in front of a restaurant.	Anonymous
Other restaurants can be right next to each other, why not mobile food vendors?	Anonymous
Not a drastic distance but not 10 feet from the door.	Anonymous

No, competition is always good for the end customer. I do believe that they should have a certain area in which to operate and to help create an ambiance for them! Anonymous

I believe in free interprice Anonymous

The more the merrier. Anonymous

NO!!!! Fort Smith needs health competition for restaurants!! Anonymous

yes! the rest. industry is suffering now due to food costs and too many rest. to choose from as it is. Anonymous

### Citizen Comments – Question Five

#### Would you be in favor of mobile food vendors vending from on-street parking spaces?

I think they should have to pay or something	Anonymous
How would you park to get to them? There really aren't many downtown parking spaces that are ever available to begin with.	Anonymous
I think the city could make money by building nice designated areas with well lit parking and public restrooms and charge the vendors a fee to rent a space there. Come up with cute names for these food truck trailer parks and put them in areas that would attract business.	Anonymous
I feel that there should be a designated area for these food trucks but generally I think it would be a great way to bring people to the downtown area	Anonymous
More during the work, 8-5, m-f hours. We only get a 30 minute lunch and are very limited where we can go.	Anonymous
No I believe empty spaces should be left poem for vehicles . Fort Smith offers many locations the vendors could utilize vs parking spaces	Anonymous
Not too many spaces.	Anonymous
I welcome Foo trucks.	Anonymous
It depends. If it was downtown then no, because there is such limited parking already. But any other place in town is fine.	Anonymous
Most of the mobile vendors I go to have a designated spot by a parking area so there clients can decide to eat outside or in there car.	Anonymous
Only if it does not impede traffic.	Anonymous
There is hardly enough parking downtown as it is. I have to drive around 4 times just to get a spot at Subway.	Anonymous
Downtown there is not an abundant amount of on-street parking as it is. If a mobile food vendor was in one of those parking spaces, I, personally, would get frustrated and leave.	Anonymous
If they were in an area where it is safe for the truck and pedestrians.	Anonymous
I think they need specific area set up, not just one but two to three different areas in fort smith would be good	Anonymous
that would really depend on how many parking spaces each would occupy.	Anonymous
As long as it does not interfere with the regular flow of traffic.	Anonymous
If they are not breaking any parking and traffic laws	Anonymous
It's hard enough to park as it is and don't say there is a parking garage! for those of us that work we only have an hour to get downtown, do our business and get back to work.	Anonymous
As long as it didn't cause any danger to others where the space was located	Anonymous
I think they could do both. Take a spot in a food court or go mobile.	Anonymous
I'm in favor of liberty	Anonymous
Not downtown. Parking is bad enough now!	Anonymous

Designated a couple of spots available on a first come basis	Anonymous
That might be dangerous for the patrons.	Anonymous
anywhere!	Anonymous
We need to figure out a way to add jobs and economic growth in this town OTHER than more food or restaurants!! It's killing locally owned restaurants!! We literally cannot even find enough help (servers and cooks) as it is now!!! Please bring in viable white collar businesses to our area!	Anonymous
I feel like the city has more than plenty of other things to worry about to be trying to police where a food truck is parked.	Anonymous
Being in a parking lot or a food truck lot would be much more enjoyable	Anonymous
I would love to have them close to bars later in the night.	Anonymous
As long as they follow rules and ok it with nearby businesses.	Anonymous
Not with the way we drive	Anonymous
Especially outside of popular bars on weekends for a late night dining option	Anonymous
As long as they do not disrupt traffic	Anonymous
Limited number only	Anonymous
Definitely - parking is not a big issue downtown so I don't see why it would be harmful to business	Anonymous
I'd rather see a good truck court	Anonymous
Depending on the amount of food trucks. Parking can be pretty bad during events like blues fest, pub crawl, etc.	Anonymous
No parking spots are hard enough to find.	Anonymous
We don't have a big parking problem downtown right now, I don't think, so I will say "yes" for now. It would be nicer if there was a little lot or courtyard for them specifically, but I would hate the lack of that to stop food trucks altogether!	Anonymous
please make this a thing	Anonymous
Too dangerous.	Anonymous
In parking lots but not in front of operating business	Anonymous
Only in downtown areas or areas that have adequate space for the truck - they can be visual obstructions at intersections because of their size.	Anonymous
Not a requirement.	Anonymous
That's just a wreck waiting to happen. And we already don't have enough street spaces to go around.	Anonymous
Walking would help obesity.	Anonymous
That would make it much more accessible to reach the mobile vendor a lot easier.	Anonymous
They should only occupy property that they have contracted from another business or individual. On-street parking spaces are for parking, not vending.	Anonymous

I would rather parking spaces be used just for consumer parking.	Anonymous
If it's downtown, they could use the sidewalks	Anonymous
The parking is already difficult in downtown. This could make it worse. Be careful...	Anonymous
As long as there is some parking nearby.	Anonymous
As long as they pay the parking fees	Anonymous
this needs to happen!	Anonymous
As long as safe spots are chosen. Again, Fort Smith is behind on this one. Time for Fort Smith to get with the times in many aspects and start imitating cities that are expanding and doing well.	Anonymous
as long as there is parking available for everyone else.	Anonymous
If they pay the parking meter fee either directly or as part of their licensing fee for being at that location and if the brick and mortar store gives permission.	Anonymous
Parking downtown is important to store owners. I understand streets are public property and not under the control of store owners, but downtown is a special deal.	Anonymous
Doesn't really matter on a vote..ft smith has always had a problem with people trying to better them selves by doing this. Keep it all to them selves is what this town is about. So sad to see it die like it's doing. It's becoming a retirement community.	Anonymous
I am fine with the idea, but let's be aware that parking in downtown and other places IS somewhat limited. There may be a need for a creative solution if this idea is to be utilized.	Anonymous
Parking is too limited downtown.	Anonymous
It would be a safety concern for their patrons as well as drivers	Anonymous
Fort Smith is so behind on this food truck scene!	Anonymous
Only after hours	Anonymous
Too close to the roadway creates safety isdues and . Uses up parking spaces.	Anonymous
Only with permission of the property owner's	Anonymous
There already isn't enough street parking downtown.	Anonymous
as long as the parking is legal..ie parking times	Anonymous
This question is difficult to answer because the parking is so confusing already.	Anonymous
Don't see a problem with that	Anonymous
I would love to see them in an area where there were several trucks and maybe some picnic tables.	Anonymous
There are plenty of empty lots and parking lots they could utilize. I don't understand the purpose of ignorant questions.	Anonymous
Dangerous for them	Anonymous
The perfect spot would be in the large parking lot where the farmers market is held. Let them set up permanently!	Anonymous

What about the empty lot on Garrison next to the popcorn place? A food truck park.	Anonymous
Although a mobile food park would be more appealing. Anything is better than nothing!	Anonymous
Mix parking spots of convince along Garrison as well as vacant lots	Anonymous
If it provided more variety!	Anonymous
So long as they face the sidewalk for safety purposes.	Anonymous
I believe a food park would be interesting. Concrete slab with hookups for the trailers. Outdoor seating and maybe a stage for entertainment. Would be interesting draw to downtown Fort Smith during spring and summer months.	Anonymous
The trucks need to be accessible. I think they improve the ambiance of downtown areas. The smells are great, people run into one another there. I've lived in big cities and I miss street food and I want shawarmas and falafels so bad. Give us meat on a stick. Give us good stuff in this God forsaken dying town.	Anonymous
I would be alright with that AS LONG AS it was on the "off" hours for the parking needs. There are days when it is very difficult to find a parking spot for the old courthouse or to run in to pay your water bill. Perhaps the on street parking spaces could be not on Rogers or Garrison? I'm not sure how best to regulate that.	Anonymous
Absolutely not! The city owns those parking spaces, not the mobile vendor!	Anonymous
I fear customers will cause accidents or be hit by oncoming traffic.	Anonymous
Just not in front of businesses that that is their only parking for customers.	Anonymous
Thank you for the opportunity to voice my opinion. Please send out more and I will do my best to fill every one. -awb	Anonymous
Yes this really only applies to Downtown.	Anonymous
It (or its customers) might interfere with traffic.	Anonymous
I think this could be a safety issue. If handled properly, it would be ok.	Anonymous
Not enough parking spots as it is	Anonymous
Yes, please add more food options in Fort Smith!!	Anonymous
Parking in downtown is already limited. This could go both ways though. If food trucks are smart enough to scope out where they want to set up and it's an on-street parking space and they get there before the general public, I would say fair game. You might think about having a time limit on it though so they can't just leave their truck in the space. I would also like to see a dedicated food truck space similar to what they did in Rogers with sufficient parking to get people in and out.	Anonymous
If legal parking spot or if they keep feeding the meter if downtown parking on Garrison.	Anonymous
Too hard to bring kids.	Anonymous
If the question is from a parking space that is (including the customers) not blocking or impeding traffic. Then yes.	Anonymous
What do they do for bathroom.	Anonymous
It would be very difficult to get to them and probably no parking...	Anonymous
Yes, as long as adequate parking was available nearby,	Anonymous

As long as it isn't in an area where finding parking is difficult to begin with. This is an issue on Garrison, but I know there are areas off Garrison that would suit a food truck.	Anonymous
Seems like it would be too hard to get in and out.	Anonymous
As long as there is an adjacent sidewalk	Anonymous
Charge the vendor what the parking spot would cost for the whole day no money would be lost. It would also bring more excitement and revenue to Fort Smith We need more you positive minded people driving Fort Smith up This is 2015 you can't do things like you did 30 years ago. Give people a reason to really come to Fort Smith! The youth of our community is our rock! Let small business grow and quit letting huge corporations slow down small business! BRING SMALL BUSINESS BACK TO FORT SMITH!!!	Anonymous
But we also need parking for customers!!!	Anonymous
Parking is bad enough	Anonymous
We have a good flow of traffic in our town. One of the perks of living in a small town! I also would not feel comfortable bringing my kids to an on-street parking space truck.	Anonymous
with city permit and dept of health inspection	Anonymous
Absolutely. let's say there are designated areas for food trucks, but if they feel parking outside a different location, say on garrison will get the more business, then let them pump the meters full of quarters and park there in 3 spaces for a few hours. This increases revenue streams in addition to the taxes that I'm sure we'll be levied against these food trucks. It also provides convenience for customers	Anonymous
But I'd prefer the food court style of configuration where the area has common picnic tables. The undeveloped lot on N B between the loft apartments and farmers market parking lot could be a good place for them to rent. It has good parking, visibility, and it's in the area of town we're trying to target for young professionals.	Anonymous
It works in larger cities, why not here?	Anonymous
People argue that the parking meters bring in revenue, HOWEVER, they also keep people from coming to downtown. It takes money to park and not enough free parking lots. We need the Old Fort Smith back, stores, inexpensive family restaurants, family activities (not just parades that round the block but family activities). Family activities could include free movies in the park, free concerts, family fun game days, etc and better advertising before, not after, which has tended to be the case lately	Anonymous
I feel like this lends itself to dangerous jaywalking, and I would be disappointed if my view of storefronts down a street (e.g. Garrison) was suddenly blocked by a line of food trucks. I picture it as an eyesore.	Anonymous
We already don't have enough parking spaces now.	Anonymous
If by the parks	Anonymous
There's already frustratingly limited parking downtown...if that's where it would be.	Anonymous
Citizens have all ready complained about parking on our avenue this would just increase this complaint. I would be in favor of vendors parking in parking spaces if there was an event which closed downtown.(ie Steel horse rally, parades, or other events)	Anonymous
There isn't enough standard public parking to go around already. Allowing a business to occupy more of them is problematic. Most food trucks do well working in designated areas with other food trucks and a designed public bench seating area more like a food court. If they gravitate towards each other for convenience, then there may be upwards of half a block of parking monopolize and cost brick and mortar non - food related businesses traffic.	Anonymous

Downtown, yes. Would be a great option for people working downtown. Anonymous

I Believe Mobil food vendors could be established in open parking spaces not in on-street parking space I believe this could cause traffic problem Anonymous

Depends on the location. In a large parking lot, I think that is fine. Downtown where parking is a premium, that might not be as feasible. Anonymous

Outside of homedepot or lowes maybe, this is how I remember it in the big cities. Or when the riverfront is developed have a row of food vendors seasonally. Anonymous

**Planning Commission**  
**Outdoor Mobile Food Vending Questions**  
**for Consideration**

FORT SMITH PLANNING COMMISSION  
OUTDOOR MOBILE FOOD VENDING QUESTIONS FOR CONSIDERATION  
MARCH 10, 2015

1. **Which zoning districts should allow outdoor mobile food vending?** Currently, outdoor food vending is permitted in C-2, C-3, C-4, C-5 and I-1. It is not currently permitted in RH, C-1, and C-6, I-2 and I-3 or any residential zoning district.
2. **What period of time should a permit be valid?** Currently, Fort Smith's permits are valid for 120 days. Little Rock and Tulsa have annual permits while Fayetteville has permits that are valid for 6 month, for example.
3. **Should a fee for the permit be required? If so, how much?** Fort Smith currently charges \$250.00 for each site. The cities surveyed in the comparison chart have fees ranging from \$50 to \$500.
4. **What types of vehicles should be permitted?** Currently food trucks and food trailers are permitted. The examples in the comparison chart allow both. Fayetteville allows food trucks and trailers on private property but only food trucks in parallel parking spaces.
5. **Should vendors be required to relocate?** Currently, Fort Smith vendors cannot obtain a permit for the same site or within 500 feet of the same site until 90 days from the expiration of the original permit. Relocation requirements vary from city to city. For example, Fayetteville requires mobile food vendors to relocate every 4 hours if they are vending from multiple locations. If the unit is staying at one site, the vendor must relocate to a different location 1,320 feet from the original location after six months. Little Rock and Bentonville have no relocation requirements.
6. **Should vendors be required to maintain a certain distance from a "brick & mortar" restaurant? If so, what distance do you recommend? How should the distance be measured?** Separation requirements vary greatly. Examples in the comparison chart range from none to 150'. Tulsa, which requires a distance of 150', allows the vendor to

be closer than the required 150' if the vendor provides written consent from the "brick and mortar" restaurant.

7. **Should vendors be required to maintain a certain distance from private and public schools?** Of those cities in the comparison chart, separation from a school ranges from none to a distance of 150' during school hours or school-related events.
8. **Should the ordinance allow food courts? If so, should they be a permitted use or conditional use?** Bentonville's and Fayetteville's ordinances require planning commission approval through the conditional use process.
9. **Should vendors be allowed to vend from the public right-of-way (from parallel parking spaces for example)?** Little Rock's ordinance does not allow vending from public rights-of-way. However, most of the other cities in the comparison chart allow vending from rights-of-ways with various restrictions. Fayetteville, for example, has a lottery system that allows a certain number of trucks to vend from parallel parking spaces. Tulsa allows trucks to vend on the curb side when the mobile unit is on or abutting a public street.
10. **Should there be special requirements for vendors?** See examples in comparison chart. Some examples in the comparison chart include streetscape requirements, cannot match or duplicate primary food/beverage of adjacent permanent business, temporary signs, seating, canopies are prohibited, site plan submittal, and cannot vend within 150' feet of a park where a city-authorized concession stand is located.
11. **Should vendors be allowed to transfer to another location without paying a fee? Should the relocations be unlimited or should it be limited to a certain number of transfers?** No examples of this question were found. However, College Station charges less for a renewal fee. (\$500 + \$2,000 bond for the original permit and \$250.00 for the renewal)

## Food Truck Articles

The “Food Truck Phenomenon” –  
Shulertown Community Food Market in  
Fayetteville and History of Food Trucks

Top 32 Best Cities for Food Trucks in  
America

# The Food Truck Phenomenon

Posted by Nick Brothers | June 26, 2014



*Staff Photo Nick Brothers*

*Shulertown also features a draft beer and margarita bar in its own section of the food court. The bar utilizes a Bottom's Up beer tap that fills the specialty cups from the bottom and seals the cup with a Shulertown magnet customers can keep.*

## By Nick Brothers

There's just something festive about Dickson Street's newest hot spot, dubbed the Shulertown Community Food Market.

Shulertown is at its best at dinner time. As families and friend groups hang out and chat while sipping a beer on the food court's patio furniture, names are shouted out from the various mobile restaurant kitchens — each time at increasing intensity as the person who the food is for is nowhere to be found. Amidst the lines of people waiting to order at each truck, people walk their gleeful dogs about, exciting bystanders to pet them. The constant movement keeps the area exciting while remaining laid back. It's all still novel.

After the Phoenix closed in December 2013, Zac Wooden — local restaurateur and owner of Shulertown — bought the space and had the lot renovated into a food truck court. Located between Jose's and 21st Amendment at 372 Dickson St., the marketplace houses seven — soon to be eight — different local food trucks each with their own distinct personality and food style. There's also a bar area with an outdoor pool table that features Bottom's Up beer taps that fill specialty cups from the bottom and seal off the hole with a Shulertown magnet.

“The city had been going back and forth with the idea of food trucks and food truck courts. So when they finally changed some ordinances to allow it, I figured now was the time,” Wooden said. “Alderman Petty was also a big help getting the vision off the ground and encouraging me to do it.”

Since opening up in early June, business has been consistently bustling, with many of the food trucks going strong until 3 a.m. on weekends. The food court closes on Sundays and Mondays,

and each food truck runs on their own time frames. Some trucks open at lunch and others only open late at night. Generally, all of the food trucks are open for dinner, as well as the bar.

Shulertown consists of the following food trucks:

- **Mama Dean’s Soul Food On-the-Fly:** fried chicken, meat, vegetables and various sides.
- **Great Dang Pies and Tamales:** homemade meat pies and tamales.
- **Greenhouse Grille:** culinary dishes including fish tacos and the restaurant’s famed black bean burger.
- **Wicked Wood-Fired Pizza:** 10-inch personal pizzas.
- **Burton’s Comfort Creamery:** specialty ice cream cones dipped in various toppings or injected with fudge or caramel.
- **Baller Foodtruck:** fried balls of comfort food, such as macaroni and cheese and peanut butter and jelly. They’re normally open later at night.

Shulertown will eventually include:

- **Feltner Brothers:** made-to-order burgers.
- **Shakedown StrEAT:** Philly cheesesteaks.



*Staff Photo Nick Brothers*

*Patrons enjoy their unique lunches from Big Rub BBQ and Crepes Paulette near the Bentonville Square Friday, June 20.*

Shulertown was named after a popular soda jerk who ran a drugstore on Dickson Street in the late 1890s and 1900s. According to research by Tony Wappel, Washington County archivist, “Shuler Town” referred to the 400 block of Dickson Street well after T. Fred Shuler left Fayetteville in 1905.

### **Cultural Culinary Phenomenon**

The amount of food trucks in the U.S. have been growing “astronomically” over the course of 10 years, said John Gaber, professor of public policy at the University of Arkansas. The most recent burst of mobile vendors have been cropping up at the tail end of the economic recession period of the U.S. economy, and most can be found in Chicago, Los Angeles and Washington D.C., and now, Fayetteville.

“I love (food trucks),” Wooden said. “They give variety to a community and allow people to start a small business for a little less than what a brick and mortar would cost. I also think its a great way to test local markets with unique foods and or themes.”

Some of the first modern food trucks in this area came to Bentonville and Rogers in 2010. Crepes Paulette (which is still open) on A Street in downtown Bentonville and the since retired Grateful Kitchen in Rogers were the trailblazers.

Jen Kiple, the owner of Grateful Kitchen who sold organic meals out of an airstream trailer, said she was only able to stay open for a year before closing.

“I think it was just the strangest thing for the people. It was just ahead of its time,” Kiple said. “I think now it’s an idea that its time has come, and it will do well in a college town like Fayetteville.”

Since then, several food trucks have opened up in the Bentonville downtown district within the past four years. Starting with Crepes Paulette, more food trucks such as Big Rub BBQ (which has had their “A-Street Hero” featured in the Washingtonian, a national dining magazine), Yeyo’s Mexican Grill, as well as brick-and-mortar-based food trucks Hammontree’s Grillenium Falcon and Greenhouse Grille. Because of the inventive culinary food they sell and the clientele these food trucks attract, these food trucks have revitalized the square, Gaber said.

In Fayetteville, before Shulertown, Cynthia Morris opened the Yacht Club on College, located at 617 College Ave., and it was the first lot dedicated to mobile vendors in the city in 2012. Hawaiian Brian’s, Bouchee Bistro, Grey Dog Vintage Boutique, Pigmint Floral & Event Design, now all brick-and-mortar storefronts, are all alumni of the Yacht Club on College.

One of the reasons why the mobile trend caught on was the economy forced many Americans into unemployment in the recession, and a popular alternative was to turn to food trucks and reinvent themselves, Gaber said. In turn, food trucks are great for attracting younger creative cooks and chefs to create innovative culinary foods (such as Korean BBQ tacos). While enterprising restaurateurs are taking risks with trendy food trucks, the overhead for a truck is still more affordable than investing in a brick-and-mortar restaurant.



*Staff Photo Nick Brothers*

*Ryan Burton, of Burton's Comfort Creamery, helps a customer pick out one of his specialty ice cream cones Tuesday, June 24.*

For Ryan Burton, a UofA graduate and owner of Burton's Comfort Creamery, he wanted to change gears and pursue his hobby of ice cream making. After touring 400 shows in two years as a guitarist in christian bands in Nashville, Tenn., Burton was ready for something a little more permanent in his life. So, when the opportunity came in Shulertown, he decided to open up Burton's Comfort Creamery. Since its opening in early June, business has been pretty good, he said.

"I think food trucks are on the uprise," Burton said. "It's a new thing in Fayetteville, but the food truck courts in the bigger cities like Nashville have been pretty successful. They're killin' it."

Another newcomer to the Northwest Arkansas food truck scene in Bentonville is Eddie "The Brit" Lawrence, who owns and operates the Olde English Fish & Chips food truck at 8th and A Street. Lawrence saw his opportunity in the untapped English food niche in Bentonville, and opened up for business in May.

"I'd like to see more trucks involved in Bentonville. It's a great place to be," Lawrence said. "I think it's a great venture for people to get into."

As far as operational costs go, Lawrence said trucks can cost anywhere from \$50,000 to \$120,000 depending on the kind of kitchen gadgetry you want. Additionally, there are fewer employees to hire for running a food truck and owners don't have to incorporate a bathroom or air conditioning, and they don't have to worry about landscaping. However, the volume of customers a business owner can serve is higher in a brick-and-mortar restaurant.

Food trucks aren't going anywhere, either — well, industry-wise that is. The mobile food vending industry rakes in about \$650 million in revenue annually, and are projected to quadruple their revenue stream over the next five years, to about \$2.7 billion in revenue, according to research by the National League of Cities.

As the trend becomes more of an urban staple, Northwest Arkansas city governments are still working out the kinks for permits, and have made for some frustrations for the mobile vendors. In Bentonville, vendors are required to be powered by electricity, causing vendors to install outlets. However, vendors are expected to be able to pack up and leave within 30 minutes, so permanent seating structures are prohibited.

Earlier this year, Fayetteville city council members lengthened the time that vendors can operate in one spot each year. They also allowed for a limited number of mobile vendors to operate on public property and they enacted new rules for food truck courts such as Shulertown and the Yacht Club on College Avenue.

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Why Food Trucks Caught On

1. Great for entrepreneurs to start out a new business venture.
2. They provide an opportunity to create new festive environments to underpopulated areas, e.g. downtown squares.
3. They provide a means for more safety on the streets by having more people and eyes on the street, and makes cities like Fayetteville more urban.

Source: John Gaber, food truck expert and professor of public policy at the University of Arkansas.

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### History of the Food Truck

- It's theorized that the first food truck started in 1872 in Providence, R.I., by a vendor named Walter Scott. He cut windows into a small covered wagon and set up shop in front of a local newspaper office. He sat on a box inside, and he sold sandwiches with pies and coffee to journalists and pressmen working late. This would become known as the first "lunch wagon."

#### 1940s

- During the expansion of the American suburbs, many of the construction workers needed somewhere to eat, but restaurants were few and far between. To fill this niche, "roach coaches" — the trailers with aluminum siding — became increasingly popular as they drove around construction sites, offering lunches to the workers on lunch break.

#### 2008

- It is believed the trend of the modern gourmet food truck began when Mark Manguera, Caroline Shine and chef Roy Choi established their Kogi Korean BBQ truck in Los Angeles six years ago. They came up with the idea of putting Korean-prepared meat in Mexican tacos and engaged their clientele with social media. The idea went on to receive national attention and brought about the resurgence of the industry in urban areas across the U.S. This style of food is seen in many food trucks today.

#### 2010

- Crepes Paulette, one of the first modern food trucks in Northwest Arkansas, opens in Bentonville. Grateful Kitchen opens in Rogers later that year.

#### 2012

- The Yacht Club on College, a lot dedicated for mobile vendor use, opens. This is the first instance of an established mobile vendor marketplace in Fayetteville.

## BUSINESS INSIDER

# Step Aside, New York – Orlando Is America's Food Truck Capital



MEGAN WILLETT  
MAY 16, 2014, 1:35 PM



*LOLren/Flickr*

**People lining up for some of Orlando, FL's most popular food trucks.**

Now that it's almost summer, food trucks are about to start rolling onto streets across America.

“Food trucks are popular due to their convenience, adaptability, and low barrier of entry,” Ross Resnick, founder of Roaming Hunger, a website that keeps tabs on all things street food, told Business Insider. “Although food trucks do not have the décor that a traditional restaurant might have, food trucks make up for it by offering interesting ways to deliver food to people in concentrated areas.”

According to Roaming Hunger's database, there has been a 197% increase in number of food trucks nationally from 2011 to 2013. In major markets like Los Angeles, San Francisco, and New York, food trucks seem to be everywhere. But turns out, some unexpected cities are leading the boom in the mobile restaurant industry.

We asked Resnick and his team to provide us with numbers for each of the 32 U.S. cities he covers for Roaming Hunger, not including street food carts or hot dog stands. And though certain cities like Los Angeles, Washington D.C., and Austin lead the pack when it came to the sheer number of food trucks (269, 172, and 156 food trucks, respectively), when we factored in populations, Orlando turned out to have the most food trucks per resident.

City	# of Food Trucks*	Population**	Food trucks per 100,000 ppl.
1. Orlando, FL	94	249,562	37.67
2. Miami, FL	140	413,892	33.83
3. Washington, DC	172	646,449	26.61
4. Minneapolis, MN	87	392,880	22.14
5. Austin, TX	156	842,592	18.51
6. Denver, CO	113	634,265	17.82
7. Atlanta, GA	78	443,775	17.58
8. San Francisco, CA	127	837,442	15.17
9. Tampa, FL	51	347,645	14.67
10. Honolulu, HI	44	374,658	11.74
11. Seattle, WA	71	634,535	11.19
12. Nashville, TN	66	624,496	10.57
13. Cleveland, OH	39	390,928	9.98
14. Boston, MA	59	636,479	9.27
15. Las Vegas, NV	52	596,424	8.72
16. New Orleans, LA	32	369,250	8.67
17. Portland, OR	51	603,106	8.46
18. Indianapolis, IN	70	834,852	8.38
19. Dallas, TX	103	1,241,162	8.30
20. Sacramento, CA	39	475,516	8.20
21. Kansas City, KA	34	464,310	7.32
22. San Jose, CA	71	982,765	7.22
23. Los Angeles, CA	269	3,857,799	6.97
24. Columbus, OH	52	809,798	6.42
25. San Diego, CA	75	1,338,348	5.60
26. Philadelphia, PA	81	1,547,607	5.23
27. Houston, TX	97	2,160,821	4.49
28. San Antonio, TX	61	1,382,951	4.41
29. Phoenix, AZ	59	1,488,750	3.96
30. Chicago, IL	80	2,714,856	2.95
31. Orange County, CA	66	3,114,363	2.12
32. New York, NY	110	8,336,697	1.32

**\*Courtesy of Roaming Hunger**

**\*\*US Census Bureau Data (2013 or 2012 estimates)**

*Megan Willett/Business Insider*

**Population numbers were determined by the most recent U.S. Census Bureau Data for each city (either 2013 or 2012 where available). Roaming Hunger provided us with their most up-to-date food truck numbers.**

Orlando was followed by Miami, Washington D.C., Minneapolis, and Austin to round out the top five.

New York — the city that Business Insider anticipated to be the mecca for food trucks — not only came in 6th for number of food trucks (110, compared to Los Angeles's 269), but was also the lowest-ranking city on the entire list once its enormous population was factored in. For every 100,000 people, New York only had 1.3 food trucks.

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