

Insurance Requirements

Proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the licensee and the city from all claims for damages to property and bodily injury including death, which may arise from operations under or in connection with the license to operate the business in the public right-of-way. Such insurance shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days' advance notice to the city administrator.

The vendor shall obtain Commercial General Liability insurance on an occurrence basis with limits of not less than \$1,000,000 each occurrence, \$1,000,000 personal and advertising injury, \$2,000,000 products and completed operations aggregate, \$2,000,000 general aggregate and \$5,000 expense (any one person). The policy shall name the City of Fort Smith as Primary Additional Insured and include ISO forms CG2010 and CG2037 (or equivalent endorsements).

Vendor shall also provide evidence that ISO endorsement Products/Completed Operations Hazard Redefined-Changes (CG2407) has been added to the policy. Waiver of Subrogation shall apply in favor of the City of Fort Smith.

14. A statement that the vendor/insured shall hold the City harmless from and indemnify the city for all expenses, losses, cost, causes of action and judgments, including legal expense, arising from the vendor's/insured's' operations.

Below is an excerpt from the Mobile Food Vending Ordinance regarding trash removal , prohibited conduct, and location restrictions. Please acknowledge by initialing that you understand and agree to abide by the following sections. *(Please initial each statement)*

Littering and Trash Removal.

1. *Mobile food vendors shall keep the sidewalks, roadways, property where the vendor is located and other locations adjacent to their vending site clean and free of debris and refuse generated from the operation of their business. _____*
2. *Mobile food vendors shall provide a receptacle for litter that shall be maintained and emptied regularly._____*

Prohibited Conduct.

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

1. *Locate in any residential zoning district. _____*
2. *Locate within a site triangle described as the area delineated by a distance of twenty-five (25) feet along the intersecting property lines, beginning at a property corner point and extending twenty-five (25) feet in both directions away from the corner point of an intersection and then connecting the terminus points by a line to form the triangular area._____*
3. *No mobile food vendor shall sell or vend from his/her vehicle within 300 feet of a public or private school property while school is in session and one hour before and after school is in session; classes or school related events, except when authorized in writing by the school._____*

4. Unduly obstruct pedestrian or motor vehicle traffic flow, except a reasonable time to load and unload the mobile food vendor vehicle. _____
5. Obstruct traffic signals or regulatory signs. _____
6. Stop, stand or park any mobile food vendor upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings. _____
7. Leave any mobile food vehicle in a public street right-of-way overnight. _____
8. Sounds projecting from the mobile food vendor that violate Article II – Noise regulations of the Fort Smith Code of Ordinances. _____
9. Conducting the business in such a way that would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles. _____
10. Use or install any lighting that does not comply with Section 27-602-5 Commercial and Outdoor Lighting requirements of the Unified Development Ordinance. _____
11. Run hoses, cords, or other apparatus across a pedestrian pathway or sidewalk. _____
12. Utilize any portion of a public sidewalk or public right-of-way where mobile food vending is not allowed or authorized. _____
13. Remove the wheels from a mobile food vehicle. The mobile food vehicle shall not otherwise be rendered immobile such as being placed on blocks, railroad, ties, etc. _____

Location Restrictions

No vendor within the Commercial Downtown (C-6) zoning district on public right-of-way shall be permitted to operate in the following areas: (Please initial each statement)

1. Within 10 feet of any street intersection or pedestrian crosswalk. _____
2. Within 10 feet of any driveway, loading zone or bus stop. _____
3. Within 10 feet of any fire hydrant or fire escape. _____
4. Within 10 feet of any parking space or access ramp designated for persons with disabilities
5. Angled on-street parking spaces. _____
6. Within 50 feet of a driveway to police or fire station. _____
7. Within 50 feet of the principal public entrance to a food service establishment not owned by mobile food vendor, unless written permission has been given by the food service establishment, or the food service establishment is closed for business. _____
8. Any area that obstructs pedestrian traffic. _____
9. No customer shall be served on the street side of the mobile unit. All service must occur on curb side when the mobile unit is abutting a public street. _____
10. No drive thru or drive-by customer service shall be provided or permitted as part of a mobile food vendor business. _____
11. No mobile food vendor shall conduct business so as to violate any ordinances of the city regulating traffic and rights-of-way now in effect or hereafter amended. _____
12. No seating or signage shall be provided or permitted in a street right-of-way or public sidewalk as part of a mobile food vendor business. _____
13. No mobile food vendor shall sell or vend from his/her vehicle within 300 feet of a public or private school property while school is in session and one hour before and after school is in session; classes or school related events, except when authorized in writing by the school. _____
14. In the public street right-of-way on the designated truck route. _____
15. In the public street right-of-way of a state highway (Garrison Avenue, Towson Avenue, Rogers Avenue (east of Towson Avenue), North 10th Street, and North 11th Street). _____

16. In any parallel parking space that is designated as reserved. _____

BUILDING CODE PROHIBITS THE CONNECTION TO ANY PUBLIC UTILITY

Revocation of Permit

I understand that my license may be revoked for any of the following reasons:

- 1. Any fraud, misrepresentation or false statement contained in the application for license;*
- 2. Any fraud, misrepresentation or false statement made in connection with selling of products;*
- 3. Any violation of this Section;*
- 4. Conducting the business license under this Section 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.*

Signature _____

16. Please submit a scaled drawing, photo, or written documentation verifying the dimensions of the mobile food vehicle and/or trailer.

APPLICANT/VENDOR: I certify that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve my application, or might set conditions for approval.

NAME (PRINTED): _____ Date: _____

Signature: _____

Staff Use Only

- Application is complete
- Insurance documents are attached
- Photo of vending unit is included
- Indemnification Statement
- I have reviewed the allowable parking spot map with applicant
- Health certificate is included
- Fire and building inspections are not required.

Approval Signature

Date approved



INDEMNIFICATION STATEMENT

The vendor agrees to hold the city of Fort Smith and its Board, officers, employees and agents ("City") harmless from and indemnify the City for all expenses, losses, cost, causes of action and judgments, including legal expense, arising from the vendor's operations.

Business name (Identify if LLC, Incorporated, Partnership, sole owner, etc)

Individual Printed Name

Signature of Authorized Person

Date

OFFICE USE ONLY



CITY OF FORT SMITH

BUSINESS REGISTRATION APPLICATION



OFFICE USE ONLY

(PLEASE TYPE OR CLEARLY PRINT ALL INFORMATION AND RETURN TO:

PLANNING DEPT. 623 GARRISON AVE. FT. SMITH ARKANSAS

Mail to: P.O. Box 1908 Fort Smith, AR. 72902

Account Number

APPLICATION ID

Class Code

ZONE

(Optional) I am a minority and/or Woman Owned Business. Please include my business in the Minority & Women's Business Directory.

<input type="checkbox"/> NEW BUSINESS		<input type="checkbox"/> RELOCATING		<input type="checkbox"/> CHANGE OF OWNERSHIP	
DATE	NUMBER OF EMPLOYEES		Email		
CORPORATE NAME					
LICENSE HOLDERS NAME		FIRST	MIDDLE	LAST	OWNER OR CEO
BUSINESS NAME					
BUSINESS ADDRESS		STREET		CITY	STATE ZIP
APPLICANT NAME		FIRST		MIDDLE	LAST
BUSINESS PHONE	CELL PHONE		EMERGENCY PHONE		
FAX NUMBER	ALTERNATE PHONE				
MAILING ADDRESS		STREET		CITY	STATE ZIP
PREVIOUS BUSINESS ADDRESS		STREET		CITY	STATE ZIP

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS ABOUT YOUR BUSINESS

PREVIOUS USE OF STRUCTURE

PROVIDE A DETAILED DESCRIPTION OF YOUR BUSINESS INCLUDING A LIST OF THE PRODUCTS OR SERVICES OFFERED

WILL THIS BUSINESS BE OPERATED OUT OF A RESIDENCE (HOME)?	YES	NO
WAS THE PREVIOUS USE OF THIS STRUCTURE A HOUSE?	YES	NO
WILL THIS BE A SEXUALLY ORIENTED BUSINESS?	YES	NO
WILL THIS BE A FOOD SERVICE BUSINESS? (REQUIRES HEALTH APPROVAL)	YES	NO
WILL THIS BE A PAWN SHOP? (SEE COLLECTIONS MANAGER)	YES	NO
WILL THIS BE A PRIVATE CLUB? (SEE COLLECTIONS MANAGER)	YES	NO
WILL THIS BE A CHILD CARE SERVICE? (REQUIRES DHS APPROVAL)	YES	NO
WILL THIS BE A FLEA MARKET? <u> </u> INDOOR <u> </u> OUTDOOR	YES	NO
WILL ALCOHOL BE SERVED OR ALLOWED AT THIS BUSINESS?	YES	NO
IS THIS BUSINESS A HUMAN/PET CREMATORIUM? (SEE COLLECTIONS MANAGER)	YES	NO

NOTICE: IF RUNNING MORE THAN ONE BUSINESS OUT OF THE SAME STRUCTURE, YOU ARE REQUIRED TO FILL OUT SEPARATE BUSINESS APPLICATIONS FOR EACH BUSINESS. BUILDING/SIGN PERMITS ARE REQUIRED FOR REMODELING/ADDITIONS AND SIGNS

BY SIGNING THIS DOCUMENT, I UNDERSTAND THAT ANY FALSE STATEMENTS MADE IN THIS APPLICATION SHALL RESULT IN DENIAL. I FURTHER UNDERSTAND THAT VIOLATION OF ANY LOCAL, STATE, OR FEDERAL LAW, MAINTAINING A NUISANCE OR UNSANITARY PREMISES, OR OPERATING A BUSINESS CONTRARY TO THAT PERMITTED BY THE APPROVED BUSINESS REGISTRATION SHALL BE CAUSE TO REVOKE THE BUSINESS LICENSE

SIGNATURE:

APPLICANT

OWNER