

ORDINANCE NO. 35-16AN ORDINANCE AMENDING FORT SMITH CODE SECTION 27-327-6
TO PROVIDE FOR OUTDOOR MOBILE FOOD VENDING FROM SELF
CONTAINED MOBILE FOOD TRUCKS FOR EXTENDED HOURS OF OPERATION
IN CITY MARKED LOCATIONS IN PUBLIC STREET RIGHT-OF-WAY

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE
CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The definition of “Mobile food vehicle” set forth in Section 27-327-6 A of
the Fort Smith Code is hereby amended to read:

Mobile food vehicle shall include, but not be limited to:

- a. Mobile food truck: A motorized unit selling edible goods.
- b. Mobile food truck (self contained): A motorized unit selling edible goods.
The unit shall be self-contained meaning all appurtenant facilities,
including but not limited to water tanks and generators, are affixed to or
contained within the mobile food truck.
- c. Concession trailers: A vending unit which is pulled by a motorized unit
and has no power to move on its own.

SECTION 2: Section 27-327-6 D of the Fort Smith Code is hereby amended by adding
thereto Subsection 6 as follows:

6. Extended hours vending at limited locations marked by City. Outdoor mobile food vending
on public street right-of-way between the hours of 7:00 a.m. and 9:00 p.m. is permitted in
limited locations marked by the City within the Commercial Downtown (C-6) zoning district.
The following criteria shall apply:

- a. Each vending location shall be limited to a designated and marked parallel
parking space in public right-of-way adjacent to a public park.
- b. Applicants shall be governed by all permit requirements required for vending in a
public street right-of-way with the following exceptions:
 - i. The Mobile Food Vendor shall operate solely from a Mobile food truck
(self contained);

- ii. The Mobile food truck (self contained) shall occupy only one Parallel Parking Space;
- iii. Permitted and required additional hours of operation are as provided in this subsection D 6;
- iv. The requirements of subsection D 3 are not applicable to the limited locations designated by the City.

Otherwise, vending shall comply with all applicable requirements of this Chapter.

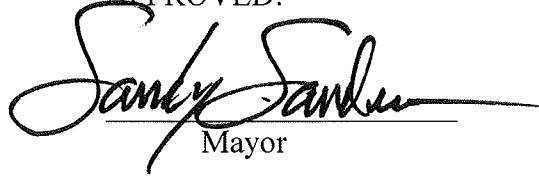
- c. The Mobile food truck (self contained) shall be constructed of quality materials with an attractive, inviting appearance and kept clean and in good repair.
- d. Lottery. Persons who hold a permit for outdoor mobile food vending on public street right-of-way (“Section 27-327-6D permit”) or who have completed the application for a Section 27-327-6D permit other than paying the permit and processing fee are eligible lottery participants. At any time two (2) or more eligible lottery participants make application to use a City marked location for vending between the hours of 7:00 a.m. and 9:00 p.m., each lottery participant’s right to select a marked Parallel Parking Space reserved for use by that lottery participant shall be determined by publically conducted lottery. The initial lottery shall be conducted on June 21, 2016, at 12:00 p.m. (noon) (for vending in July and August, 2016) in the Planning Conference Room, Room 326 of the offices of the City, and shall be officiated by the Mayor or his designee. Thereafter, lotteries (if needed) shall be conducted by the Planning Commission at the Planning Commission’s first regular meeting in the month of August (for vending in September and October), 2016, and every second month thereafter, and each subsequent lottery shall be officiated by the chairman of the Planning Commission or his or her designee. The lottery will determine the order of right to select a marked location for all lottery participants. Subsequent to the initial lottery, at any time not all City marked locations are selected for use by lottery participants, the City Administrator may issue to eligible persons a vending permit for any unused, marked location for the remaining portion of an applicable two (2) month period. In the event there is only one (1) eligible lottery participant making application to utilize a City marked location in any two (2) month period, the lottery need not be held and the eligible lottery participant may vend from a selected City marked location upon payment of the fees provided for in (e) below for the applicable two (2) month period.
- e. Fee. In addition to the annual \$150.00 permit and process fee for the Section 27-327-6D permit, vendors selected in the lottery or pursuant to the last two (2) sentences of (d) above shall pay a nonrefundable permit fee of \$100.00 for vending rights in the selected marked location for the applicable two month period. The permit is non-transferrable.
- f. Revocation. If any permittee has failed to vend (with attendant present) at the selected location for at least three hours per day on two (2) consecutive days (Monday – Friday), the right to vend in that marked location shall be considered forfeited and the lottery participant next in order as determined by the lottery shall have the right to vend (subject to holding a Section 27-327-6D permit) for the

remaining portion of the two (2) month period for a prorated portion of the \$100.00 fee based on the remaining portion of the two (2) month period.

SECTION 3: Emergency Clause. It is determined that the provision for extended hour vending from City designated locations in public right-of-way in the Commercial Downtown (C-6) Zoning District will enhance the health, safety and welfare of the inhabitants of the City and that an emergency exists due to the approaching summer season with expected increased numbers of downtown visitors. Therefore, this Ordinance shall be in full force and effect from its date of adoption.

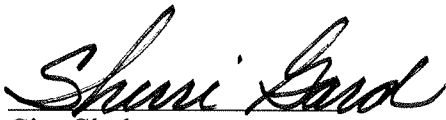
This Ordinance adopted this 7th day of June, 2016.

APPROVED:



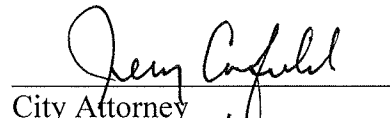
Mayor

ATTEST:



City Clerk

Approved as to form:



City Attorney
Publish 1 time