

CITY OF TRUMANN

APPLICATION FOR MOBILE VENDING SITE

Name of Business: _____

Owners Name: _____

Address: _____

Phone Number: _____

Applicant Status: Profit Non Profit

Site Owner: _____

Site Owner Address: _____

Site Owner Phone Number: _____

Site Address: _____

Hours of Operation: _____

(NO OPERATION BETWEEN THE HOURS OF 10:00 P.M. AND 7:00 A.M.)

Reason for Permit Request and effect the use will have on the neighborhood and its residents:

Property Zoning Classification: _____

**** PHOTO OF ESTABLISHMENT MUST ACCOMPANY APPLICATION! ****

By signing below I acknowledge that I have received a copy of ordinance #558 and I agree to abide by all rules of the ordinance. Furthermore, the title holder of the property is aware of the conditional use being sought. If at any time this ordinance is amended and I am found not in compliance my conditional use permit can be revoked.

Applicant Signature

Date

Site Owner Signature

Date

ORDINANCE # 558

**ORDINANCE TO ALLOW MOBILE VENDING SITES IN
TRUMANN, AR.**

Now, therefore be it resolved by the City Council of the City of Trumann, Arkansas,

Section 1: The use of any parking lot, land area, or other premises by a manufactured design motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, or other device designed to be portable and not permanently attached to the ground which is used to sell goods, wares, merchandise or food. Specifically excluded from this use on a daily basis for no more than one (1) hour per site and who have obtained a business license from the city.

CONDITIONAL USE IN A C-1, C-2, AND C-3 ZONE

- A. A written application for a conditional use submitted along with a \$50 dollar filing fee or a payment of \$10 per day on forms provided containing the following information.
 - 1. The name, address and phone number of the applicant.
 - 2. The status of the applicant, profit, or non-profit.
 - 3. The name of the record title holder of the property and an indication, by the signing of the application for conditional use, that the title holder is aware of the conditional use being sought.
 - 4. Legal description and street address of the property involved.
 - 5. A description of the conditional use sought and the reasons why it should be approved.
 - 6. The effect of the proposed conditional use will have on the character of the neighborhood and its residents.
 - 7. The zoning classification of the property.
 - 8. Photo of establishment must accompany application for permit.

- B. Mobile vending site restrictions:
 - 1. If located on property which has another use, the mobile vending unit is considered an accessory use.
 - a. May not exceed 160 square feet
 - b. May not be located in the front setback

 - 2. May not operate between the hours of 10:00 P.M. and 7:00 A.M.

3. The property on which the mobile vending site is to be located must be in compliance with the dust proofing and paving requirements for parking.
4. No more than two mobile vending units permitted on the corner lots at any intersection.
5. Not be located so as to obstruct parking places required for the operation of any other use on the site.
6. Minimum of 3 parking spaces designated and maintained for vendor use.
7. Display a health certificate, if required in a manner visible to customers.
8. All signs must meet the requirements of a temporary sign.

Temporary signs: *Temporary signs of rigid material shall not exceed 4 feet in height and shall have a maximum sign face area of 32 square feet. Temporary signs shall be anchored or designed to resist overturning. Temporary signs shall be erected, used or maintained on any lot or parcel for a period not exceeding 120 days in any 12 month period; provided, however, that banners or pennants may be used on any lot or parcel for an unlimited period. Private banners or pennants shall be extended onto or above public property or the public right-of-way only by authorization from the chief city inspector.*

9. Flashing signs or lights shall be allowed.
10. Restriction from operating
 - a. Within 100' of any property that is zoned residential
 - b. Within 50' of a street intersection or pedestrian crosswalk
 - c. Within 50' of any driveway, loading zone, or bus stop
 - d. On the median strip of a divided roadway unless the strip is intended for use as a pedestrian mall or plaza
 - e. Within 100' of the intersection of an on or off ramp of a freeway and the street to which the ramp exits.
 - f. Within 50' of any fire hydrant or fire escape
 - g. Within 50' of any parking space or access ramp designated for persons with disabilities
 - h. Within 50' of an unobstructed pedestrian space
 - i. Within 50' of a building entrance or exit.
 - j. On a city sidewalk or other public easement or within 20' feet of a public street or roadway.

C. Exemptions. The provisions of this chapter do not apply to:

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

2. The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paper bound books.
3. The distribution of free samples of goods, wares and merchandise by any individual from his person.
4. Farmers and Growers selling fruits and vegetables which they have grown, provided these products are sold on parking lots where the owner has granted permission.
5. Charitable organizations, such as Girl Scouts, Boy Scouts, on the property of another, so long as the owner of the property consents.
6. Mobile vendors operating at special events, so long as the mobile vending unit is located totally within property owned, occupied, or leased by the operators of the special event. Special event means any occasion including but not limited to Wild Duck Festival, Spring Fest or any other City wide celebrations, and festivals taking place within a specifically defined area of the city for a period of time not to exceed five (5) days.

D. No person authorized to operate a mobile vending site shall do any of the following:

1. Unduly obstruct pedestrian or motor vehicle traffic flow.
2. Obstruct traffic signals or regulatory signs
3. Conduct any vending upon a public way
4. Conduct any vending upon private property of another, unless the owner of the private property has consented to such vending in writing.
5. Sound any device that produced a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.

E. Sites shall be kept clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within 20' feet of any vending stand should be collected by the vendor and deposited into a trash container.

F. In addition to the provisions of Article 1, Section 1, a conditional use issued hereunder may be suspended or revoked for any of the following reasons:

1. Fraud, misrepresentation, or knowingly making a false statement contained in the application for the conditional use:
2. Fraud, misrepresentation, or knowingly making a false statement in the course of carrying on the business of the mobile vending site;
3. Conducting the business of the mobile vending site in any manner contrary to the conditions of the conditional use or this subchapter;
4. Conducting the business of the mobile vending site 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.

- G. The building inspector and the chief of police are responsible for the enforcement once the conditional use is granted.
- H. The granting of a conditional use for a mobile vending site as approved is nontransferable, shall be valid for one (1) year, and shall be valid only for the applicant and only at the location for which it is issued.
- I. Variances from these requirements shall not be granted.
- J. Each sales transaction completed in violation of the terms of this subchapter shall be considered a separate violation.
- K. Any person whose mobile vending unit conditional use has been revoked under this section may not apply for a new license for a period of one year from the date the revocation took effect.
- L. No petitions for a specific conditional use which was denied shall be reconsidered by the planning commission within twelve (12) months from the date of final disapproval thereof, unless there is written evidence submitted to the planning commission which justifies reconsideration.
- M. Any person who is aggrieved by the decision of the planning commission shall have the right to appeal to the city council by written request to the city clerk within thirty (30) days.


THEREFORE, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservation of the public health, peace and safety shall be in full force and effect immediately upon its passage and approval.

PASSED AND ADOPTED THIS 12 DAY OF April, 2011



Sheila Walters, Mayor

ATTEST:



Marlene Hancock, Clerk/Treasurer