

O-15-28 – Final as adopted by City Council.

ORDINANCE NO. 8736

AN ORDINANCE AMENDING SECTION 74-51 OF CHAPTER 74 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO CLARIFY AND SIMPLIFY REGULATIONS FOR MOBILE FOOD VENDORS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 74 of the North Little Rock Municipal Code (“NLRMC”) was amended by the City Council on July 14, 2014 through its adoption of Ordinance No. 8655 to add regulations for vehicles engaged in the business of cooking, preparing and distributing food or beverage, with or without charge, from mobile food trucks on or in City-owned or privately-owned properties (“Mobile Food Vendors”); and

WHEREAS, within the City, there is an increased interest and demand for access to mobile food vendors;

WHEREAS, the City desires to increase access to affordable and gourmet foods, encourage food entrepreneurship, support local small businesses, and foster economic development; and

WHEREAS, there is a need to clarify and simplify the regulations for Mobile Food Vendors in order facilitate and encourage Mobile Food Vendors to conduct business in the City of North Little Rock (“the City”).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Section 74-51 of Chapter 74 of the NLRMC is hereby amended as follows:

Sec. 74-51 – Mobile Food Vendors.

1. Scope
 - a. It shall be the responsibility of the Mayor or his designee to permit mobile food vendors to operate on City property, City rights-of-way, and areas zoned as residential, which shall be provided in writing.
 - b. Operations on private property in areas zoned commercial or industrial shall require express written permission from the owner or designee.
 - c. Operations on property owned by schools shall require express written permission from the school’s governing body or its designee.
 - d. Any written permission must be present at the mobile food truck and available for inspection at all times.

- e. The provisions of this section shall apply to mobile food operations engaged in the business of cooking, preparing and distributing food or beverage, with or without charge, from mobile food trucks on or in public or private spaces. This section shall not apply to mobile frozen treat vendors (ice cream trucks) that move from place to place.
- f. The provisions of this section shall not apply to concessionaire operations and agreements managed by the North Little Rock Parks and Recreation Department.
- g. Mobile Food Truck operators shall obtain the following prior to conducting business in the City:
 - i. A valid business license;
 - ii. A valid A & P license;
 - iii. A current health inspection;
 - iv. A valid driver's license; and
 - v. A current fire inspection.

2. Rules and Regulations

- a. *General.*
 - i. No operator of a mobile food truck shall park, stand, or move a vehicle and conduct business within unauthorized areas of the City;
 - ii. The operator of a mobile food truck is not granted or entitled to the exclusive use of the service location, in whole or in part, other than the approved time and place;
 - iii. No mobile food truck shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters without prior approval;
 - iv. All mobile food trucks shall offer waste container for public use that the operator shall empty at his or her own expense;
 - v. Mobile food truck operators shall remove all trash at their expense. Mobile food truck operators shall not utilize dumpsters of other existing businesses without the permission of such businesses.
 - vi. No mobile food truck shall make or cause to be made any unreasonable or excessive noise in violation of City ordinances;
 - vii. A mobile food truck may conduct sales while parked on a public street when the City has approved a temporary street closure for a City-sponsored or neighborhood-sponsored event such as a street festival or street fair; and
 - viii. For mobile food trucks on public property, the City reserves the right to temporarily move a mobile food truck to a nearby location if the approved location needs to be used for emergency, or other public purpose.
- b. *Inspectional Services.* The food truck applicant shall ensure compliance with all City and state health regulations for mobile food truck vendors.

3. Operation of Mobile Food Trucks

- a. *Operation without A&P Permit.* Any mobile food truck being operated without a valid A & P permit issued by the City Clerk's Office shall be deemed a public safety hazard and may be ticketed and impounded.
- b. *Unattended Vehicles prohibited.* No mobile food truck shall be parked on the street overnight, unless present at the location as part of the mobile food truck event, or left unsecured at any time food is kept in the mobile food truck. Any mobile food truck which is found to be unsecured shall be considered a public safety hazard and may be ticketed and impounded.
- c. A mobile food truck operating outside of an approved site, at an unauthorized location, or beyond the hours for which the operation has been permitted shall be deemed operating in violation of this section and may be subject to enforcement under this section.

4. Enforcement

- a. *Fine for Violation.* Any person operating a mobile food truck or service in violation of any provision of this section may be subject to a fine of three hundred dollars (\$300) per day. Each day violation shall constitute a separate and distinct offense.
- b. *Enforcement.* The provision of this section may be enforced by the North Little Rock Police Department, the North Little Rock Fire Department and the North Little Rock Code Enforcement Office.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

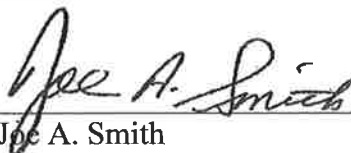
SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: Mobile Food Vendors provide a convenient alternative for food selections; the City and its residents can best be served by adoption of these streamlined regulations for mobile vendors; and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

05/26/15

APPROVED:



Mayor Joe A. Smith

SPONSOR:

ATTEST:

K. Joe A. Smith
Mayor Joe A. Smith

Diane Whitbey
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY

FILED _____	A.M.	_____	P.M.
By _____			
DATE _____			
Diane Whitbey, City Clerk and Collector			
North Little Rock, Arkansas			
RECEIVED BY _____			