

ORDINANCE NO. 2024-_____

AN ORDINANCE TO AMEND THE CITY’S FOOD CART REQUIREMENTS

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE
GROVE, ARKANSAS, THAT:**

Section One: Title. This Ordinance shall be known as the 2024 Food Cart Amendment.

Section Two: Zoning Ordinance Amended. Section 4.6.8 of the Prairie Grove Zoning Ordinance is amended to read as follows:

4.6.8 Mobile Eating Carts

4.6.8 Mobile Eating Carts

- A. Purpose. This section’s purpose is to create a process that allows mobile eating carts to locate for a limited time on public and private property. “Mobile Eating Carts” are defined as either a self-propelled or towed vehicle equipped with facilities for preparation, cooking and/or dispensing food and drink.
- B. Regulation of Mobile Eating Carts will fall into three tiers:
 - a. Short-Term operations are those lasting 96 or fewer consecutive hours;
 - b. Intermediate –Term operations are those lasting longer than 96 consecutive hours, but fewer than 90 consecutive days; and
 - c. Long-Term operations are those lasting longer than 90 consecutive days. Long-Term operations shall be treated as any permanent business occupation and are not eligible for the reduced regulation of this Section 4.6.8.
 - d. Non-profit entities and existing businesses holding City of Prairie Grove business licenses are exempt from the annual permit fees in this Section.
- C. Common Requirements. The following requirements shall apply to all Mobile Eating Carts regardless of which tier applies to them:
 - a. The Mayor may waive the requirements of this Section, in writing, for Mobile Eating Carts on city property during special events.
 - b. Mobile Eating Carts may not utilize equipment that presents a loud or continuous noise such as generators, loudspeakers, or public address systems.

- D. Short-Term Permit for Parallel Parking Spaces. Mobile Eating Carts may apply for a permit at City Hall through the planning office once, then must meet the following requirements
- a. The Planning Office shall consider the location, duration and space requirements of the request and determine if it meets the requirements of this Section (4.6.8) and determine that the location of the use does not detrimentally affect traffic flow, visibility or safety.
 - b. The applicant has paid an annual permit fee of \$100.00.
 - c. The applicant must meet the following requirements:
 - i. The Mobile Eating Cart shall fit entirely within two (2) marked parallel on-street parking spaces.
 - ii. The applicant must provide a valid copy of a county health department permit.
 - iii. The applicant agrees to and has responsibility to dispose of all wastes in accordance with all applicable laws. Mobile Eating Carts are not permitted to dispose of their trash in public trash receptacles.
 - iv. The applicant agrees to move to a different location after a 48-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 48-hour time period has elapsed.
 - v. The applicant agrees not to locate within 200 feet of any existing permanent restaurant selling the same product as the permanent establishment. E.g. a taco vendor may not locate within 200 feet of a restaurant selling Mexican food; or a pastry vendor may not locate within 200 feet of an establishment selling pastries, without prior written consent from such restaurant.
 - vi. The applicant agrees to only vend towards the sidewalk side of the street and to keep the sidewalk unobstructed to allow for free flow of pedestrian movement along the street.
 - vii. The applicant agrees to locate on public property such that they will not cause an unsafe traffic or pedestrian situation; or on private property only after securing permission of the legal owner of the property.
 - viii. The applicant agrees not to set up in any handicap parking space or reserved parking space.
 - ix. Mobile Eating Carts are prohibited from parking in public parking lots unless they can do so without blocking existing drive lanes, exits or entrances into said parking lots.
 - x. The City reserves the right to limit Mobile Eating Carts from utilizing public parking spaces during special events such as parades, City events, etc.

- E. Short-Term Permit on Private Property. Mobile Eating Carts may be approved administratively by the Planning Office for a limited time permit to locate on private property after meeting the following conditions.
- a. The applicant has paid an annual permit fee of \$100.00, unless they also hold a public permit.
 - b. The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile Eating Carts are not permitted to dispose of their trash in public trash receptacles.
 - c. The applicant has agreed to move to a different property after a 96-hour time period. This time period includes any onsite set-up or break-down time.
 - d. The property is zoned to allow for food and beverage vending 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 Mobile Eating Cart 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 Mobile Eating Cart would like to temporarily locate. The operator shall keep these records up to date with the Planning Office.
 - e. The applicant agrees to locate on private property such that they will not cause an unsafe traffic or pedestrian situation.
- F. Intermediate-Term Permit on Private Property. Mobile Eating Carts may be approved for an Intermediate-Term Permit to locate on private property after meeting the following conditions.
- a. The applicant has paid an annual permit fee of \$100.00, unless they also hold a public permit.
 - b. The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile Eating Carts are not permitted to dispose of their trash in public trash receptacles.
 - c. The applicant has agreed to move to a different property after a 90-day time period. This time period includes any onsite set-up or break-down time.
 - d. The property is zoned to allow for food and beverage vending 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 Mobile Eating Cart 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 Mobile Eating Cart would like to temporarily locate. The operator shall keep these records up to date with the Planning Office.

- e. The applicant agrees to locate on private property such that they will not cause an unsafe traffic or pedestrian situation.
- f. The applicant must obtain conditional use approval from the Planning Commission prior to setting up the Mobile Eating Cart.

Section Three: Effective Date. This Ordinance shall become effective from and after 60 days of its posting unless an Emergency Clause is affixed.

Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 22nd day of January 2024.

David Faulk, Mayor

(Attest)

Christine Kelly, Clerk