

# Food Truck Application

CITY OF CABOT

Food trucks operating in Cabot are subject to Ordinance No. 31 of 2019

Date

Business Name

Business Owner name

## Applicant Information

Home Phone

Cell Phone

Email Address

Address

City

State

ZIP Code

Proposed Location

Requested days of operation

Hours of operation

If part of a special event: Event Name

Organizer

Are you requesting a Daily or Annual License?

How many trucks are you permitting?

Copies of the following paperwork must be attached to this application:

- A valid business license
- A valid A & P permit
- A valid liability insurance policy
- A current health inspection
- A valid driver's license
- A current fire inspection by an incorporated Arkansas municipality

**ORDINANCE NO. 31 of 2019**

**AN ORDINANCE AMENDING THE CODE OF CABOT; PROVIDING FOR BUSINESS LICENSING FOR CERTAIN OUTDOOR AND MOBILE VENDORS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, mobile food trucks have experienced a rise in popularity across the country and in the City of Cabot in the past few years; and

WHEREAS, the City of Cabot finds it desirable to set forth regulations to allow mobile food trucks to operate within the city under certain circumstances and to establish regulations concerning mobile food truck operation in order to protect the health safety and welfare of the City's inhabitants.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CABOT, ARKANSAS, THAT:**

**SECTION 1:** Chapter 8, Article II. § 8-18 – Definitions, of the Code of Cabot, is hereby

amended to add the following definitions:

**Mobile Food Establishment**– a food establishment or preparing and/or serving foods from a self-contained vehicle either motorized or within a trailer that is readily movable without disassembling for transport to another location. Mobile food establishment may serve as a conveyance for outdoor vending at a fixed location and may be a mobile cart, stationary cart, pedal cart, trailer, van, portable building, or similar chassis with or without an engine.

**Mobile Food Vendor** – any person or persons who operate or sell food from a mobile food establishment.

**Mobile Outdoor Vending** - exhibiting, displaying, selling or offering for sale any goods, wares or merchandise from a fixed location on public or private property conveyance.

**Mobile Outdoor Vendor** - a person that exhibits, displays, sells or offers for sale any goods, wares or merchandise from a conveyance at a fixed location. This definition does not include a door-to-door solicitor, mobile food vending, children's lemonade stands or homeowners having garage sales.

**Fixed Location** - a vendor occupying a location for a period of 6 months or less.

**Roving Mobile Vendor** – a vendor traveling constantly without a fixed destination

**SECTION 2:** Chapter 8, Article II. § 8-19 – Payment OF Privilege Tax And Pro



License required, of the Code of Cabot, is hereby amended as follows:

Reciprocity will not be extended to Mobile Food Establishments, Mobile Food Vendors, Mobile Outdoor Vendors, nor Roving Mobile Vendors.

**SECTION 3:** Chapter 8, Article II. § 8-27 – Temporary Business Permits, of the Code of Cabot, is hereby amended as follows:

(a) Temporary business is defined as a free-standing business operation in a temporary structure, portable building, trailer or tent for seasonal or short-term operation. It is further defined as having no permanent municipal water and wastewater services, unless specifically defined otherwise within this Chapter.

\* It is not the intent of this Code to define Mobile Food Establishments, Mobile Food Vendors, Mobile Outdoor Vendors, and Roving Mobile Vendors as a Temporary Business.

Carnivals	30 days per permit
Seasonal tents or lots	30 days per permit
Christmas tree stands	30 days per permit
General commercial sales stands, tents or lots	90 days per permit
<del>Concession/refreshment/food service</del>	<del>180 days per permit</del>

**SECTION 4: Fee Schedule.** Each application for the issuance of a business license under this Section shall be accompanied by a fee, as delineated in Code of Cabot, Chapter 8, Article III, Division 3 § 8-124 – Business License Rates.

A mobile vendor may obtain a Daily Business License for a fee of \$20.00 per day.

A fixed mobile vendor must operate at the location(s) specified on the application. Each additional location/truck will be charged a fee of \$50.00.

**SECTION 5: Mobile Vendor Permit Requirements.**

1. 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.

2. The provisions of this section shall not apply to concessionaire operations and agreements managed by the Cabot Parks and Recreation Department.

3. Mobile Food Truck operators shall obtain the following prior to conducting business in the City:

- a. A valid business license;
- b. A valid A & P permit;
- c. A valid liability insurance policy;
- d. A current health inspection;
- e. A valid driver's license;
- f. A current fire inspection by an incorporated Arkansas municipality;

4. Mobile Food Establishments shall adhere to all Advertising and Promotion regulations as set forth in Chapter 28 of the Code of Cabot.

**SECTION 6: Rules and Regulations General.**

1. No operator of a mobile food truck shall park, stand, or move a vehicle and conduct business within unauthorized areas of the City;

2. 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;

3. All mobile food trucks shall offer waste container for public use that the operator shall empty at his or her own expense;

4. 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.

5. No mobile food truck shall make or cause to be made any unreasonable or excessive noise in violation of City ordinances;

6. 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;

7. 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.

8. Inspectional Services. The food truck applicant shall ensure compliance with all City and state health regulations for mobile food truck vendors. Health and Fire inspections will be reciprocated.

9. In no instance, with the exception of special events, may the mobile vendor/ mobile food vendor reduce the number of available parking spaces below the minimum required for the primary business.

10. Businesses which require a permit (A&P permit) from the Cabot Advertising and Promotion Commission (the Commission) in addition to the Cabot City Business License are required to obtain and maintain the A&P permit in good standing as a condition of maintaining the business license. Revocation of the A&P permit by the Commission shall be deemed to simultaneously revoke the Cabot City Business License and all business operations shall be required to cease immediately.

**SECTION 7: Operation of Mobile Food Trucks.** Operation without A&P Permit or City Business License.

A mobile food truck being operated without a valid A & P permit issued by the Cabot Chamber of Commerce Office may be cited into Cabot District Court. Any mobile food truck operating without a valid City Business License issued by the City of Cabot Clerk's Office may be cited into Cabot District Court.

**SECTION 8: Unattended Vehicles Prohibited.**

1. 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.

2. 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.

**SECTION 9: Fine for Violation.**

1. 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.

2. Each day violation shall constitute a separate and distinct offense.

**SECTION 10: Enforcement.** The provisions of this Ordinance shall be with the Cabot Code Enforcement Department, Cabot Police Department, the Cabot Fire Department. If the Code Enforcement Department is not available to enforce the rules of this Ordinance, enforcement shall be with the Cabot Police Department

**SECTION 11: Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the ordinance.

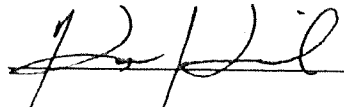
**SECTION 12: Repealer.** All ordinances or resolutions of the City in conflict herewith are hereby

repealed to the extent of such conflict.

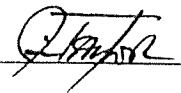
**SECTION 13+ Emergency Clause.** In light of the need for these changes, and the need to provide the residents of the City of Cabot with dining and other options not associated with brick and mortar locations and commercial facilities, the Cabot City Council declares that an emergency exists and that the need to provide for the public peace, health, safety and welfare is necessary, and this Ordinance shall be in full force and effect from and after the date of its passage and approval.

SPONSOR:  
Norma Naquin

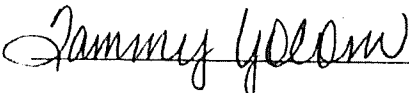
ADOPTION: 8-0  
EMERGENCY CLAUSE: No VOTE  
DATE: 8/19/2019  
APPROVED:

  
\_\_\_\_\_  
Ken Kincade, MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jim Taylor, City Attorney

ATTEST:

  
\_\_\_\_\_  
Tammy Yocom, City Clerk-Treasurer