

ORDINANCE NO. 2249

AN ORDINANCE REGULATING FOOD TRUCKS AND TRAILERS AND AMENDING CHAPTER 4 BUSINESS LICENSES AND REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS, ARKANSAS

WHEREAS, it is the intention of the Eureka Springs, Arkansas City Council to provide for and protect the health, safety and welfare of the citizens of Eureka Springs, and to promote equitable means and regulations for businesses to thrive; and

WHEREAS, like many municipalities, Eureka Springs has realized a resurgent interest in mobile food vendors which allow diverse food choices; and

WHEREAS, mobile food vending allows creative culinary professionals an avenue to pursue small business ownership and to practice their craft; and

WHEREAS, current City Code needs to be modified to meet the changing demands of visitors and citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE EUREKA SPRINGS CITY COUNCIL:

Section 1: The following definitions shall apply in the interpretation and the enforcement of this ordinance:

Food truck or trailer (FTT): means a vehicle-mounted or portable trailered food service establishment designed to be readily movable and approved by law to travel highways and roadways in the State of Arkansas that is self-contained and certified by the Arkansas Department of Health as well as licensed in the City of Eureka Springs.

Permits: mean the documents issued by regulatory authorities authorizing Food Trucks and Trailers.

Property permit: means the permit issued to the site owner who wins the right by lottery to allow operation of Food Trucks and Trailers on his/her private property, after the Building Inspector has signed the City site application.

Regulatory Authority: means any local, state, or federal enforcement body or authorized representative having jurisdiction over mobile food vendors.

Section 2: Private property owners shall apply for property permits. The property permit holders will arrange independently for the Food Truck/Trailer vendor(s) of their choice to operate on permitted sites until December 31 of that year.

Section 3: Mobile Food Trucks and Trailer owners shall comply with all applicable rules and regulations pertaining to food establishments set forth in any manner by the regulatory authority of the Arkansas Department of Health, the City Advertising and Promotion Commission, and City of Eureka Springs.

Section 4: Mobile Food Trucks and Trailers shall have all permits and/or licenses displayed prominently and visible to inspectors.

Section 5: Designated areas and number of FTTs allowed:

- A. Main St. -- From the junction of Highway 62 to the northern City limit:
One (1) property permit for one (1) Food Truck or Trailer
- B. Center St. -- From Spring St. to German Alley:
One (1) property permit for one (1) Food Truck or Trailer
- C. Kingshighway – From the intersection at Highway 62 to Eugenia St:
One (1) property permit for one (1) Food Truck or Trailer
- D. Highway 62 and Highway 23 South – This includes Highway 62 from the western City limits to the eastern City limits, and Highway 23 South from the separation of Highway 62 and Highway 23 to the southern City limits:
Two (2) property permits for one (1) Food Truck or Trailer
- E. Mobile Food Truck and Trailer vendors, who meet the stipulations set forth by the Parks Department, are allowed in Eureka Springs City Parks with Parks Department permission.

Section 6. Property owner applicants will be entered into a once-a-year lottery to be held in mid-November. There will be Four (4) separate lotteries: Main St., Center St., Kingshighway, and Highway 62/23. All entries in each of the lotteries will be drawn in order to establish a prioritized list of qualified sites for each area. The property permits will be issued to the first successful applicant on each list (first two [2] on the 62/23S list.) Property permits will be good for one year, beginning January 1. The lotteries will be held during a regularly televised City Council meeting.

Section 7. FTT operation must take place by May 1 in the permitted year or that site will be forfeited to the next available site owner on the prioritized list from that lottery. First alternate site owners shall be in operation by June 1 if a forfeit occurs.

Section 8. Any permit to an FTT or property owner can be revoked by majority vote of the City Council based on a finding that an FTT operation and/or property owner is operating in violation of any State, County or City law or regulation.

Section 9. For the purposes of the business occupancy fee schedule, food trucks shall be considered under food service establishments, 25 seats or less.

Section 10. Property permit holders shall insure that the FTT is located at least 100 feet from any restaurant unless permission has been given by the restaurant property owner and shall be located at least 20 feet from any and all fire hydrants or utility boxes.

Section 11. All measurements shall be made by the City from the closest point on a food truck to the closest point on the relative building, object or parcel boundary.

Section 12. Each FTT operator shall provide at least one trash receptacle and one recycling receptacle in a convenient location a maximum of three feet of the mobile food truck which does not impede pedestrian or vehicular traffic. All litter or debris generated within a minimum 25 foot radius of the food truck shall be collected and removed by the FTT operator.

Section 13. Exterior lighting shall be provided to ensure the safety of patrons, and shall, in addition to otherwise complying with City Code, be arranged to minimize illumination onto adjoining residential property and to prevent glare directed at vehicles on streets and alleys.

Section 14. In addition to otherwise complying with City Code, no signage other than exhibited on or inside the food truck shall be allowed. All signs must be secured and mounted against the food truck, and may not project more than six inches from the exterior of the food truck.

Section 15. That provisions of this ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this ordinance.

Section 16. All ordinances and resolutions and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

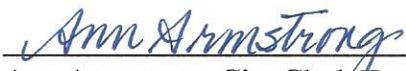
**PASSED AND APPROVED BY THE CITY COUNCIL OF EUREKA
SPRINGS, ARKANSAS, THIS 12th DAY OF DECEMBER, 2016**

APPROVED:



Robert D. Berry, Mayor

ATTEST:



Ann Armstrong, City Clerk/Treasurer

Voted "Aye" – David Mitchell, Bob Thomas, Kristi Kendrick, Terry McClung, and
James DeVito

Voted "No" – Mickey Schneider