



Mobile Food Vendor – Public Street Right-of-way

Fee: \$150.00 – if filed January 1<sup>st</sup> through June 30<sup>th</sup> or \$75.00 - if filed July 1<sup>st</sup> through December 31<sup>st</sup>

Application:

1. Name: \_\_\_\_\_
2. Business/Vendor Name: \_\_\_\_\_
3. E-mail: \_\_\_\_\_
4. Mailing Address: \_\_\_\_\_
5. Phone: \_\_\_\_\_
6. Vending Location/Address (limited to parallel parking spaces only): \_\_\_\_\_  
\_\_\_\_\_
7. Hours of Operation (limited to 9 p.m. until 2 a.m.) \_\_\_\_\_
8. Food/Beverage Items sold: \_\_\_\_\_
9. Where will the food be prepared? \_\_\_\_\_
10. Description of any additional structures to be used in conducting the business, including stairs, tents, or enclosures: (food truck, trailer, tent, etc): \_\_\_\_\_
11. Where will you be disposing of your grease or other liquid waste? \_\_\_\_\_

*Sections 25-181, 25-186, and 25-187 of the Fort Smith Municipal Code state that no pollutants shall enter into the public owned treatment works system. They shall be properly disposed of at designated sites.*

12. Where will you be disposing of your trash? \_\_\_\_\_

*Section 25-300 of the Fort Smith Municipal Code states it shall be unlawful for any person or entity to deposit, or cause to be deposited, any tangible item or material into a commercial container as to which the person or entity does not have express permission to so use the commercial container. Any violation of this section shall be deemed guilty of a misdemeanor subject to the penalties set forth in [section 1-9](#) of the Code.*

13. Arkansas Sales and Use Tax ID Number: \_\_\_\_\_

## Insurance Requirements

14. Do you have your insurance policy? \_\_\_\_\_

*Proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the licensee and the city from all claims for damages to property and bodily injury including death, which may arise from operations under or in connection with the license to operate the business in the public right-of-way. Such insurance shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days' advance notice to the city administrator.*

*The vendor shall obtain Commercial General Liability insurance on an occurrence basis with limits of not less than \$1,000,000 each occurrence, \$1,000,000 personal and advertising injury, \$2,000,000 products and completed operations aggregate, \$2,000,000 general aggregate and \$5,000 expense (any one person). The policy shall name the City of Fort Smith as Primary Additional Insured and include ISO forms CG2010 and CG2037 (or equivalent endorsements).*

*Vendor shall also provide evidence that ISO endorsement Products/Completed Operations Hazard Redefined-Changes (CG2407) has been added to the policy. Waiver of Subrogation shall apply in favor of the City of Fort Smith.*

15. A statement that the vendor/insured shall hold the City harmless from and indemnify the city for all expenses, losses, cost, causes of action and judgments, including legal expense, arising from the vendor's/insured's' operations.

Below is an excerpt from the Mobile Food Vending Ordinance regarding trash removal , prohibited conduct, and location restrictions. Please acknowledge by initialing here \_\_\_\_\_ that you understand and agree to abide by the following sections.

### ***Littering and Trash Removal.***

- 1. Mobile food vendors shall keep the sidewalks, roadways, property where the vendor is located and other locations adjacent to their vending site clean and free of debris and refuse generated from the operation of their business.*
- 2. Mobile food vendors shall provide a receptacle for litter that shall be maintained and emptied regularly.*

### ***Prohibited Conduct.***

*No person authorized to engage in the business of mobile food vending under these regulations shall do any of the following:*

- 1. Locate in any residential zoning district.*
- 2. Locate within a site triangle described as the area delineated by a distance of twenty-five (25) feet along the intersecting property lines, beginning at a property corner point and extending twenty-five (25) feet in both directions away from the corner point of an intersection and then connecting the terminus points by a line to form the triangular area.*
- 3. No mobile food vendor shall sell or vend from his/her vehicle within 300 feet of a public or private school property while school is in session and one hour before and after school is in session; classes or school related events, except when authorized in writing by the school.*

4. *Unduly obstruct pedestrian or motor vehicle traffic flow, except a reasonable time to load and unload the mobile food vendor vehicle.*
5. *Obstruct traffic signals or regulatory signs.*
6. *Stop, stand or park any mobile food vendor upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.*
7. *Leave any mobile food vehicle in a public street right-of-way overnight.*
8. *Sounds projecting from the mobile food vendor that violate Article II – Noise regulations of the Fort Smith Code of Ordinances.*
9. *Conducting the business in such a way that would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.*
10. *Use or install any lighting that does not comply with Section 27-602-5 Commercial and Outdoor Lighting requirements of the Unified Development Ordinance.*
11. *Run hoses, cords, or other apparatus across a pedestrian pathway or sidewalk.*
12. *Utilize any portion of a public sidewalk or public right-of-way where mobile food vending is not allowed or authorized.*
13. *Remove the wheels from a mobile food vehicle. The mobile food vehicle shall not otherwise be rendered immobile such as being placed on blocks, railroad, ties, etc.*

#### **Location Restrictions**

*No vendor within the Commercial Downtown (C-6) zoning district on public right-of-way shall be permitted to operate in the following areas:*

1. *Within 10 feet of any street intersection or pedestrian crosswalk.*
2. *Within 10 feet of any driveway, loading zone or bus stop.*
3. *Within 10 feet of any fire hydrant or fire escape.*
4. *Within 10 feet of any parking space or access ramp designated for persons with disabilities*
5. *Angled on-street parking spaces.*
6. *Within 50 feet of a driveway to police or fire station.*
7. *Within 50 feet of the principal public entrance to a food service establishment not owned by mobile food vendor, unless written permission has been given by the food service establishment, or the food service establishment is closed for business.*
8. *Any area that obstructs pedestrian traffic.*
9. *No customer shall be served on the street side of the mobile unit. All service must occur on curb side when the mobile unit is abutting a public street.*
10. *No drive thru or drive-by customer service shall be provided or permitted as part of a mobile food vendor business.*
11. *No mobile food vendor shall conduct business so as to violate any ordinances of the city regulating traffic and rights-of-way now in effect or hereafter amended.*
12. *No seating or signage shall be provided or permitted in a street right-of-way or public sidewalk as part of a mobile food vendor business.*
13. *No mobile food vendor shall sell or vend from his/her vehicle within 300 feet of a public or private school property while school is in session and one hour before and after school is in session; classes or school related events, except when authorized in writing by the school.*
14. *In the public street right-of-way on the designated truck route.*
15. *In the public street right-of-way of a state highway (Garrison Avenue, Towson Avenue, Rogers Avenue (east of Towson Avenue), North 10<sup>th</sup> Street, and North 11<sup>th</sup> Street).*

16. In any parallel parking space that is designated as reserved.

**Revocation of Permit**

I understand that my license may be revoked for any of the following reasons:

1. Any fraud, misrepresentation or false statement contained in the application for license;
2. Any fraud, misrepresentation or false statement made in connection with selling of products;
3. Any violation of this Section;
4. Conducting the business license under this Section in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Signature \_\_\_\_\_

16. Please submit a scaled drawing, photo, or written documentation verifying the dimensions of the mobile food vehicle and/or trailer.

APPLICANT/VENDOR: I certify that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve my application, or might set conditions for approval.

NAME (PRINTED): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

SCHOOL REPRESENTATIVE: If located within 300 feet of a public or private school.

NAME (PRINTED): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

For Internal Use Only:

- Zoning District: \_\_\_\_\_
- Proximity to public or private school: \_\_\_\_\_
- At least 10 feet of any street intersection or pedestrian crosswalk: \_\_\_\_\_
- At least 10 feet of any driveway, loading zone or bus stop: \_\_\_\_\_
- At least 10 feet of any fire hydrant or fire escape: \_\_\_\_\_
- At least 10 feet of any parking space or access ramp designated for persons with disabilities: \_\_\_\_\_
- Parallel parking space (can only occupy two parallel spaces if the vendor is utilizing a concession trailer and the tow vehicle is connected at all times): \_\_\_\_\_
- At least 50 feet of a driveway to police or fire station: \_\_\_\_\_
- At least 50 feet of the principal public entrance to a food service establishment not owned by mobile food vendor, unless written permission has been given by the food service establishment, or the food service establishment is closed for business: \_\_\_\_\_
- Does not obstruct pedestrian traffic: \_\_\_\_\_
- Does not have seating or signage in a street right-of-way or public sidewalk: \_\_\_\_\_
- Not within the designated truck route: \_\_\_\_\_
- Not within the public street right-of-way of a state highway (Garrison Avenue, Towson Avenue, Rogers Avenue (east of Towson Avenue), North 10<sup>th</sup> Street, and North 11<sup>th</sup> Street): \_\_\_\_\_
- Not within any parallel parking space that is designated as reserved: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_