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City of Conway, Arkansas  
Ordinance No. O-11-99

**AN ORDINANCE AMENDING THE CONWAY ZONING ORDINANCE O-94-54 ESTABLISHING STANDARDS FOR MOBILE VENDORS INCLUDING MOBILE FOOD VENDORS:**

**WHEREAS**, it is desirable to establish standards for the regulation of mobile vendors and include these regulations in the Conway Zoning Ordinance;

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

**SECTION 1. Definitions:** The following words and phrases shall have the following meanings for the purposes of this ordinance and shall be added alphabetically to the Conway Zoning Ordinance, Article 301, Definitions, Section 301.2

**Mobile Vendor:** Any person or persons who operates or sells goods from a mobile cart, stationary cart, pedal cart, trailer, van, or similar chassis with or without an engine, or tent for a period of 15 days or greater per year. Mobile vendors who operate for 14 days or less per year shall not be regulated by this ordinance.

**Mobile Food Vendor -** Any person or persons who operates or sells food from a mobile cart, stationary cart, pedal cart, trailer, van, or similar chassis with or without an engine, or tent for a period of 15 days or greater per year. Mobile food vendors who operate for 14 days or less per year shall not be regulated by this ordinance.

**SECTION 2. Zoning Districts:** Mobile vendors and mobile food vendors shall be allowed as indicated in the following zoning districts. Addendum A to the Conway Zoning Ordinance O-94-54 shall be amended as follows:

Allowed Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2
Mobile Vendor										X	X	X	X	C	C	C	C	C	C		C	C
Mobile Food Vendor										X	X	X	X	C	C	C	C	C	C		C	C

X = allowed by right C = conditional use permit

**SECTION 3. Mobile Vendor/Mobile Food Vendor Regulations:** The following text shall be added to the Conway Zoning Ordinance O-94-54 Article 601, Special Provisions, Section 6.01.28.

Mobile vendors and mobile food vendors shall be subject to the following regulations:

- A. Mobile vendors/mobile food vendors are permitted in the C-1, C-2, C-3, and C-4 zoning districts by right and O-1, O-2, O-3, I-1, RU-1, I-3, S-1, and S-2 districts with a conditional use permit.
- B. Mobile vendors/mobile food vendors shall not operate within City street rights of way, City parks, or other public properties without securing a franchise agreement from the City Council.
- C. Mobile vendors/mobile food vendors shall be located on private property.
- D. Mobile vendors/mobile food vendors must locate on a paved surface or approved parking area.
- E. Mobile vendors/mobile food vendors shall provide the city written permission from the property owner allowing operation of the mobile business for the duration of the time frame allowed by the permit.
- F. Mobile vendors/mobile food vendors shall obtain written permission from the property owner or property owner within 500 feet allowing the mobile vendor and their customers to access commercial

restroom facilities. Portable toilets may not be used to satisfy this requirement. Push carts or other similar equipment are exempt from this requirement.

- G. Mobile food vendors shall secure a health permit from the Arkansas State Health Department prior to operation.
- H. A permanent water or wastewater connection is prohibited.
- I. Electricity shall be from an electrical outlet via a portable cord that is in conformance with the City codes or a generator. All power supplies shall be protected from vehicular traffic.
- J. Mobile vendors/mobile food vendors shall possess any required City and State tax permits as required including the City of Conway prepared foods tax permit.
- K. Mobile vendors/mobile food vendors shall not operate a drive through service.
- L. Mobile vendors/mobile food vendors shall not locate in fire lanes, block the ingress/egress to the area, cause traffic hazards, block sidewalks, streets, alleys, or any other public place by causing people to congregate at or near the place where food or merchandise is being sold or offered for sale.
- M. All mobile food vendors shall provide garbage receptacles for customer use.
- N. During business hours and at the conclusion of business activities at a given location the mobile vendor shall clean the area around the mobile vending establishment of all trash, litter, and debris.
- O. The noise level of mechanical equipment or outside sound equipment used in association with a mobile establishment shall not be a nuisance.
- P. Any lighting must be inward, downward, and shrouded so that the light source is not directly visible.
- Q. Signage is limited to signs attached flat to the exterior of the mobile vending structure of equipment. Signage printed on umbrellas or similar may be utilized. "A" frame signs as defined in the Conway Sign Ordinance may also be utilized.
- R. Vending vehicles and/or equipment may not be larger than 180 s.f.
- S. Tents/Inflatable Structures may be used for temporary events or sales. A building permit must be obtained along with Fire Marshall approval for tents larger than 200 square feet in area.
- T. A recreational vehicle may not be used for commercial activity.
- U. Vehicle sales offices are not considered mobile vendors and may not operate from a mobile vending structure. This prohibition excludes special event "tent" sales lasting 15 days or less in any 12 month period.
- V. The sale of portable buildings must comply with the regulations of this section. Portable building sales must occur from a paved parking surface. Portable buildings may not be used as sales offices.
- W. Seasonal sales such as Christmas tree sales, flower sales, etc. must comply with the regulations of this section.

**SECTION 4. EXEMPTIONS.** The following activities, businesses, and/or persons, as such are commonly known, shall be exempt from mobile vendor/mobile food vendor regulations. However, this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

- A. Newspaper couriers.
- B. Lemonade stands.
- C. Stands used to sell or distribute flowers, fruit, vegetables, produce, or plants grown on the property where the stand is located.
- D. Delivery or distribution of food, goods or products ordered or purchased by customers from a point of sale other than a mobile vendor/mobile food vendor.
- E. Delivery or distribution of food by or for any not-for-profit organization, governmental agency, or other charitable organization.
- F. Ice Cream Truck Vendors as defined and regulated in Ordinance O-07-85 and amending ordinance O-07-109. Ordinance O-07-85 regulates the sale of frozen desserts from truck or cart vendors within the street right of way vending from a location for 15 minutes or less.
- G. Catering trucks vending to businesses from one location for 30 minutes or less.
- H. Farmer's market sales.

**SECTION 5: Mobile Vendor Site Permit.** Mobile vendors/mobile food vendors utilizing a mobile structure where employees primarily work from within the structure and food or goods are prepared and/or dispensed through a window are required to obtain a mobile vendor site permit prior to moving the mobile structure onto a


parcel or lot. This permit is valid for 12 months and must be renewed annually. The fee shall be assessed as a "Temporary Structure" fee of \$250.

**SECTION 6: Special Event Mobile Vendor Site Permits.** The Mayor may grant special event mobile vendor site permits for events which are 15 or fewer days in length and which are community-wide events which bring benefits to the community as a whole. At the Mayor's discretion, no fees will be paid for these permits and the permits may be issued for mobile vendors which may be situated in the public right-of-way and/or which may not meet the Zoning Ordinance requirements for building setbacks. At the Mayor's discretion, a tent or awning, or in special circumstances, a building which exceeds the dimensional requirements of this ordinance, may be granted a special event mobile vendor site permit.

**SECTION 7: Parking.** In no instance, with the exception of special event vendor site permits as outlined above, may the mobile vendor/mobile food vendor reduce the number of available parking spaces below the minimum required for the primary business or other businesses on that same lot.

**PASSED** this 22<sup>nd</sup> day of November, 2011.

**Approved:**



**Mayor Tab Townsell**

**Attest:**



**Michael O. Garrett**  
City Clerk/Treasurer