

Cabot City Council - Work Session Meeting

Veterans' Event Center
October 4, 2021 @ 6:30 p.m.

CALL TO ORDER

MUNICIPAL SERVICES COMMITTEE – CHAIRMAN, ED LONG

1. A & P Update – Presented By Jay Lallu
2. Discussion Of Proposed Food Truck Ordinance – Presented By Matt Webber
3. An Ordinance Creating, Certifying And Confirming Tax Liens Against Real Properties At Various Locations Within The City Of Cabot – Presented By Laura Nobles
4. A Resolution Authorizing The Mayor And City Clerk – Treasurer To Enter Into An Agreement For Expenditures Of Funds From The Community And Economic Development Fund – Presented By Alicia Wilmoth

BUDGET & PERSONNEL COMMITTEE – CHAIRMAN, MATT WEBBER

POLICE & FIRE COMMITTEE – CHAIRMAN, JAMES REID

COMMUNITY DEVELOPMENT COMMITTEE – CHAIRMAN, ED LONG

MILITARY AFFAIRS COMMITTEE – CHAIRMAN, RON WAYMACK

GENERAL COMMUNITY INPUT

ADJOURNMENT

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**Proposed Amendments To
ORDINANCE NO. 31 of 2019**

**AN ORDINANCE AMENDING THE CODE OF CABOT; PROVIDING FOR
BUSINESS LICENSING/**PERMITS** FOR CERTAIN OUTDOOR AND MOBILE
VENDORS **AND/OR FOOD TRUCKS**; 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:

A&P - the Advertising & Promotion Commission of the City of Cabot, Arkansas.

A&P Tax - the tax levied, by the City of Cabot, pursuant to A.C.C. § 26-75-602.

~~**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.~~

Food Truck - any mobile vehicle or trailer where prepared food or beverages are sold.

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

Food Truck Vendor - any person or entity selling prepared food or beverages from a food truck.

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~~, food trucks, children's lemonade stands or homeowners having garage sales.

Event - a planned social occasion which is open to members of the public.

Event Organizer - a person or entity responsible for the organization or the holding of an event.

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 Procurement Of License/**Permit** required, of the Code of Cabot, is hereby amended as follows:

Reciprocity will not be extended to ~~Mobile Food Establishments, Mobile Food Vendors, Food Trucks, Food Truck 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/or 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, ~~Food Trucks~~ 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 |
| Concession/refreshment/food service | 180 days per permit |

SECTION 4: Fee Schedule.

~~Food Truck Vendors, Mobile Outdoor Vendors, Fixed Location Vendors, and Roving Mobile Vendors are required to obtain and maintain a valid Cabot City Business License prior to operating in Cabot. 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 and as specified herein.~~

| | |
|---|--------------------|
| One Year Permit (renewable annually) | \$75.00 |
| Three Month Permit (option to renew) | \$30.00 |
| One Day Permit | \$20.00 |

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 Food Truck~~ 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/~~permit~~;

- 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;

SECTION 6: Taxation.

Food Trucks shall adhere to all state and local taxation regulations, as set forth in Chapter 28 of the Code of Cabot. Further, Food Trucks and Mobile Food Establishments shall specifically adhere to Chapter 28 Article III, Division 2. – Advertising & Promotion Gross Receipt Tax. There shall be two event categories that dictate for the overall collection & payment available:

Small Events/Individual Food Trucks (less than 5 participants) - for vendors who set up individually or at smaller events, each mobile food establishment is responsible for paying their individual A&P tax report.

Large Events of Food Trucks (5 or more participants) – the event organizer has 2 options available. They may choose to **a.)** have each mobile food establishment be responsible for paying their individual A&P tax report, or **b.)** collect an up-front fee from each individual food truck vendor, which will then be paid & applied (on their behalf by the event organizer) for that particular mobile food establishment's A&P tax report.

SECTION 7: Rules and Regulations General.

1. No operator of a **mobile** food truck shall park, stand, move a vehicle, or 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/**food truck** 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 8: Operation of Mobile Food Trucks. Operation without A&P Permit or City Business License/**Permit.**

~~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.~~ It is a violation of this ordinance for any food truck to operate without a valid A&P permit. ~~Any mobile food truck, operating without a valid City Business License/Permit issued by the City of Cabot Clerk's Office, may be cited into Cabot District Court.~~ It is a violation of this ordinance for any food truck to operate without a valid Cabot Business License/Permit issued by the Office of the Cabot City Clerk-Treasurer.

SECTION 9: 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~~ a 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.~~ A food truck found to be in violation of this section is subject to being towed and impounded at the owner's expense, in addition to any other penalties authorized herein and by other law.
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~~ ordinance.

SECTION 10: 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.~~ Any person who violates of any provision of any section of this ordinance shall be subject to a citation to appear in Cabot District Court and to a fine of \$300. Each individual violation, including the same violation occurring on subsequent days, shall constitute a separate offense.
2. ~~Each day violation shall constitute a separate and distinct offense.~~

SECTION 11: Enforcement.

The provisions of this Ordinance shall be with the Cabot Code Enforcement Department, Cabot Police Department, and/or 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. ~~The provisions of this ordinance may be enforced by City Code Enforcement/Compliance, the Cabot Police Department, and/or the Cabot Fire Department.~~

SECTION 12: 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 13: Repealer.

All ordinances or resolutions of the City in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 14: 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:

Matt Webber, Council Member

PASSED:

EMERGENCY CLAUSE:

DATE:

APPROVED:

Ken Kincade, Mayor

APPROVED AS TO FORM:

Ben Hooper, City Attorney

ATTEST:

Tammy Yocom, City Clerk-Treasurer

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October 2021 Tax Liens

| Case No. | Property | City, State, Zip | Parcel# | Invoiced Amount | 10% Penalty | Total Amount Due |
|----------|-------------------|------------------|---------------|-----------------|-------------|------------------|
| 7637 | 19 McArthur Drive | Cabot, AR 72023 | 722-00555-000 | 160.00 | 16.00 | 176.00 |
| Total | [REDACTED] | | | 160.00 | 16.00 | 176.00 |