

## ARTICLE V. - MOBILE VENDING

*Footnotes:*

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**Editor's note**— Ord. No. 2022, § I, adopted Nov. 26, 2018, amended Art. V in its entirety to read as herein set out. Former Art. V, §§ 12-101—12-106, pertained to mobile food vending, and derived from Ord. No. 1855, 5-18-2015; Ord. No. 1881, 9-21-2015.

## Sec. 12-101. - Purpose.

The purpose of this article is to preserve and promote the health, safety and general welfare of the public. Promoting compatibility among land uses within the community through regulations intended to minimize the harmful or nuisance effects resulting from noise, location, and other objectionable activities associated with the mobile vending industry.

(Ord. No. 2022, § I, 11-26-2018)

## Sec. 12-102. - Definitions.

*Mobile food truck.* For the purposes of these regulations a mobile food truck means a licensed, motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed, or stored and such vehicle is used to sell and dispense food to the general public.

*Mobile food vending.* For the purposes of these regulations mobile food vending shall be defined as an individual providing for the preparation and sale of food with the use of a traveling cooking equipment used for vending. Approved equipment includes motorized food trucks, tow behind trailers and cooking equipment that can be erected under a tent on a temporary basis.

*Mobile retail establishment.* For the purposes of these regulations a mobile retail establishment means a retail establishment that sells non-food items and services to the general public, entirely within a licensed, motorized, and movable commercially insured vehicle that routinely changes locations.

*Mobile vending truck.* For the purposes of these regulations a mobile vending truck includes the mobile food truck and mobile retail establishment definitions.

(Ord. No. 2022, § I, 11-26-2018)

## Sec. 12-103. - Use standards.

A person operating a mobile vending truck on private property shall be allowed subject to the following regulations:

- (1) Mobile vending truck business activity to be temporary. All business activity related to mobile vending operations shall be of a temporary nature subject to the following requirements:
  - a. A mobile vending truck may not park in one individual location for more than 12 hours during any 24-hour period.
  - b. No overnight parking is allowed in the location at which business is being conducted.
  - c. A mobile vendor may not operate between the hours of 10:00 p.m. and 7:00 a.m.
- (2) Locates on an approved surface that is at least 100 feet from the door of a lawfully established eating or retail place unless the owner of the eating or retail place provides a letter of consent, a copy of which shall be kept within the mobile vending truck.
- (3) Any auxiliary power required for the operation of the mobile vending truck shall be self-contained. No use of public or private power sources are allowed without providing written consent from the owner.
- (4) All materials generated from a mobile vending business that are to be disposed of should be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- (5) All grounds utilized by a mobile vending truck shall at all times be maintained in a clean and attractive manner. Trash and recycling containers shall be provided for use by the mobile vending truck patrons. All trash or debris accumulating within 20 feet of any mobile operation should be collected by the vendor and deposited into a trash container.
- (6) One sign, no larger than 24 inches by 36 inches, shall be allowed in addition to those signs physically attached to the vehicle. Said sign shall not be placed further than ten feet from the mobile vending truck.
- (7) The mobile vending truck shall not have a drive-through.
- (8) Mobile food vending equipment as defined in section 12-102, shall be subject to the above use standards.

(Ord. No. 2022, § I, 11-26-2018)

Sec. 12-104. - Location and placement requirements.

- (a) Mobile vending truck operations are only allowed within the following zoning districts: HC (highway commercial), GC (general commercial), NC (neighborhood commercial), M1 (light industrial), and M2 (heavy industrial).
- (b) Operations are only allowed on private property and city owned property, subject to written approval from the property owner. Written approval must be present on the mobile vending truck and available upon request.
- (c)

Parking is only allowed on an approved hard surface as provided in subsection 111-207(a), parking is not allowed on grass or other landscaped area.

- (d) Mobile vending trucks must be parked so that neither the vehicle nor the customers block driveways of existing buildings or uses, or in such a manner as to create a traffic hazard.
- (e) No mobile vending truck shall interfere with the internal parking lot circulation.
- (f) Mobile vending trucks shall not occupy any handicap accessible parking space.
- (g) Mobile vending trucks shall not use the public right-of-way unless otherwise allowed by ordinance.
- (h) Mobile food vending equipment as defined in section 12-102, shall be subject to the above use standards.

(Ord. No. 2022, § I, 11-26-2018)

#### Sec. 12-105. - Permit required.

- (a) No mobile vending truck or mobile food vending operator shall operate within the boundaries of the City of Nixa without first obtaining a business license in conformance with chapter 12, article II, Business Licenses.
- (b) A permit and current health department inspection shall be obtained and maintained by the owner of the mobile food truck.
- (c) All city and county permits and inspections must be displayed on the mobile vending truck in a place visible by customers.

(Ord. No. 2022, § I, 11-26-2018)

#### Sec. 12-106. - Exemptions.

- (a) Mobile vending trucks and mobile food vending equipment operating at special events, so long as the mobile unit is located totally within property owned, occupied, or leased by the operators of the special event. For the purpose of this provision a special event shall mean an event that has received a permit for such activity in conformance with sections 16-356 through 16-361 of this Code of Ordinances. Mobile vending truck operators shall operate under the terms and conditions of the issuance of the special events permit for the times and place permitted.
- (b) Mobile food truck operations, such as an ice cream truck, shall be allowed to sell merchandise on a public right-of-way under the following conditions:
  - (1) The operator does not stop on the public R.O.W. for a period longer than one minute.
  - (2) The operator does not impede the flow of traffic.
  - (3) The operator complies with chapter 20, article V, General Rules of Vehicle Operation of this Code of Ordinances.

(Ord. No. 2022, § I, 11-26-2018)

Secs. 12-107—12-125. - Reserved.