

CITY OF FAYETTEVILLE, ARKANSAS

# SIDEWALK VENDOR

(Permit expires on January 1<sup>st</sup> each year)

Vending Location:

- 1. Pre-approved location on sidewalks of Fayetteville Downtown Square Spot #: \_\_\_\_\_
- 2. Alternative location (describe): \_\_\_\_\_

<b>Sidewalk Vendor Contact Information:</b>	
Business Name: _____	
Applicant Name: _____	
Mailing Address: _____	
Phone: _____	Email: _____

Permitted Vending Products and Goods: (please check all that apply)

- Cut Flowers(describe): \_\_\_\_\_
- Food and Beverage(describe): \_\_\_\_\_
- Arts and Crafts(describe): \_\_\_\_\_

Please describe what will be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport of to display approved items or services: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dimensions of mobile device or cart: \_\_\_\_\_  
*(Length cannot exceed 7 feet, Width cannot exceed 4 feet, and Height cannot exceed 5 feet)*

Total operating area square footage: \_\_\_\_\_  
*(The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator, and trash receptacle.)*

How mobile device or pushcart will be transported? \_\_\_\_\_

Hours of operation: \_\_\_\_\_

State of Arkansas, Sales and Use Tax Number: \_\_\_\_\_

**Applicant is responsible for obtaining all necessary permits from state or county authorities, including any transient merchant permit requirements.**

**APPLICANT / VENDOR:** I certify under penalty of perjury 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 what I am applying for, or might set conditions of approval.

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

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

**\* OWNER(S) / OPERATOR:** I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each owner must be provided indicating that the agent is authorized to act on the owner(s))

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

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

*\*Applies to owner of pushcart/vending business, if different than applicant/vendor*

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**Staff Use Only**

*Administrative Approval:*

**Conditional Approval:**

Subject to:

- All applicable requirements under Ch. 178 and more specifically, §178.03.
- The mobile vendor shall be responsible for compliance with the Federal Americans with Disabilities Act (ADA).
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Start Date: \_\_\_\_\_ End Date: Permit must be renewed by Dec. 31<sup>st</sup> each year

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Zoning & Development Administrator

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Date

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**Checklist:**

***Attach the following items to this application:***

- 1. Payment in full of applicable fees for processing the application (\$100.00). The fee shall be \$50 after July 01 of each year. Each new application requires a new fee. **All permits expire at the end of each calendar year.** Permits may only be issued for one year.
- 2. Detailed floor plan, specifications of the cart, etc., with dimensions shown in order for City staff to verify that the pushcart with all accessories meets the size requirements.
- 3. A copy of the HMR tax remittance form filed with the City of Fayetteville (contact: 479-575-8287).
- 4. Verification that adjacent property owners have been notified of the vending operation by certified mail (see adjacent property owners to notify, attached to application). A sample notification is included in the application, as well. Submit copies of return receipts with the application.

***The following will be required prior to issuance of a permit to operate:***

- 5. A copy of State Health Department permits and proof of inspection for the pushcart device (applicable when required for food/beverage). (contact: 479-521-8181)
- 6. Verification that the Fire Marshal has inspected and approved the pushcart device/operations (applicable when food/beverage will be heated or warmed). (contact: [firemarshal@fayetteville-ar.gov](mailto:firemarshal@fayetteville-ar.gov) or 479-444-3448)
- 7. Planning Department inspection of the sidewalk vendor set up in the proposed location. Inspection shall include the cart and all accessories such as coolers, trash cans, chairs, etc. (contact: 479-444-3443)
- 8. Verification of a sign permit issued by the Planning Division for any proposed signage.

***Additional Information required for permits located in alternative sidewalk vendor locations:***

- 9. Detailed site plan of the vendor location:
  - a. Scale no smaller than 1" = 30' (one inch equals thirty feet)
  - b. A north arrow
  - c. Property lines
  - d. Locations and dimensions of all rights-of-way, utility easements, and building setbacks
  - e. Detailed dimensions of sidewalk, cart, clear space for pedestrians, etc.
  - f. Locations and dimensions from fire hydrants, adjacent sidewalk intersections, trees, building entrances, signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees, newsstands, etc.
  - g. All existing and proposed structures with accompanying uses, parking areas, driveway entrances
  - h. Name of the applicant or property owner, plan preparer, project name and project address in a title block
  - i. Pertinent special features such as drainage features, berms, fences, and retaining walls
  - j. Location of trees where they exist in proximity to the proposed vending operation
- 10. Written response to the following: *The Planning Division shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.*
- 11. A copy of the county parcel map for all surrounding parcels listing the name and mailing addresses of the adjacent property owners. This may be obtained from the County Assessor's office or website.

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## **Sidewalk Vendor Requirements**

All of the following requirements must be met in order for a Sidewalk Vendor to be approved in a City-designated location with Administrative Approval:

### **Application:**

- A complete Sidewalk Vendor Application, along with all attachments.
- All permits expire at the end of each calendar year, and a new application and fee must be filed for review; specific permitted spaces may not be reserved.
- All approved permits are superseded by Special Event Permits issued by the City of Fayetteville, including but not limited to Farmer's Market, Bikes, Blues and BBQ, Spring Fest, etc. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or if the coordinator of the Special Event Permit grants permission to operate.

### **Inspections:**

- State Health Department (contact: 479-521-8181)
- City Fire Marshal (contact: 479-444-3448)
- City Planning (required prior to permit issuance) (contact: 479-444-3443)

### **Notification:**

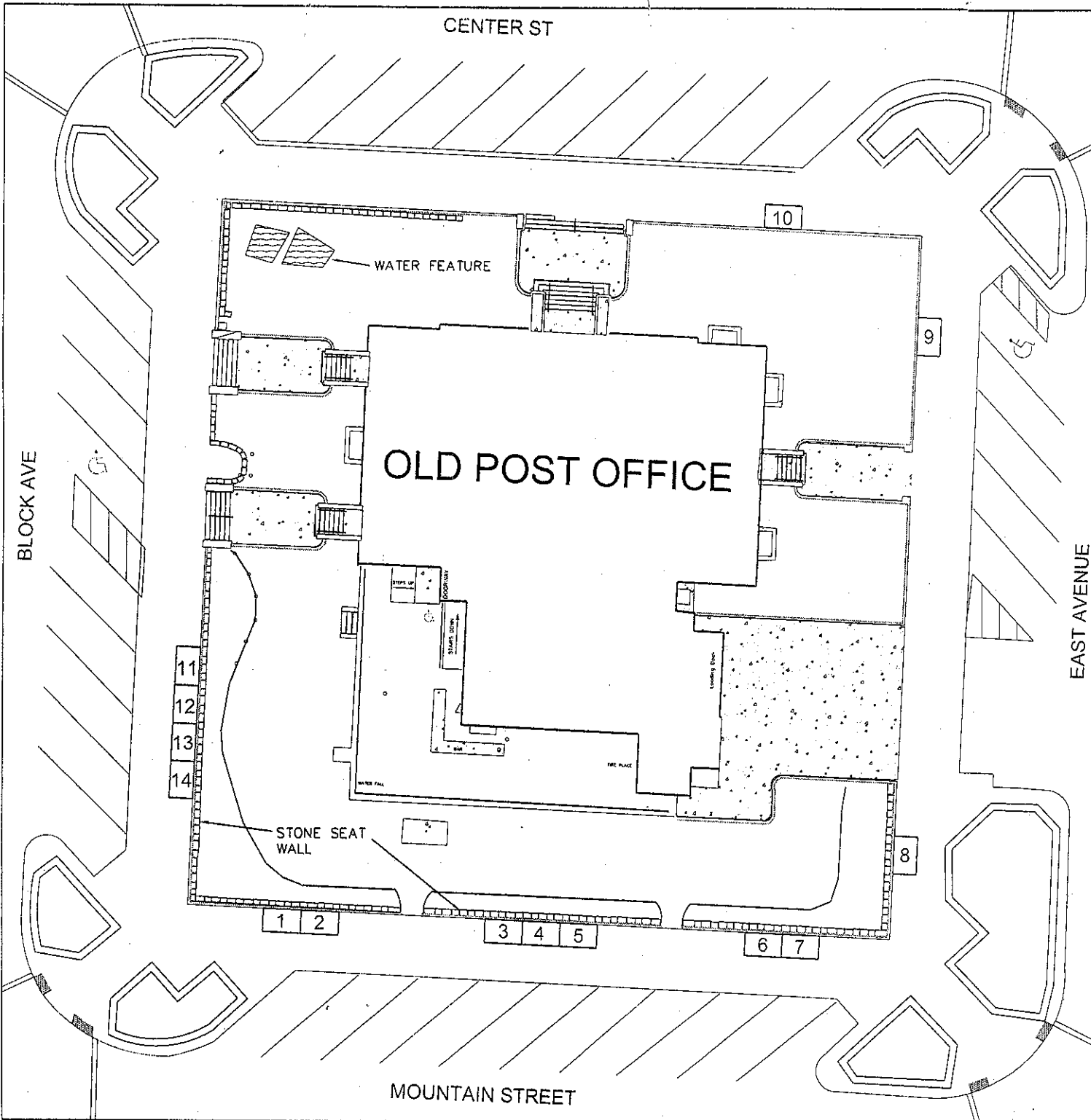
- The applicant must notify all adjacent property owners, by certified mail, of the application (contact: 479-444-3443)

### **Pushcart Standards:**

- Pushcarts shall not exceed 7 ft in length (including trailer hitch and any propane tanks or other attachments), 4 feet in width (including the cart's wheel wells or tires, and any accessory components such as retractable sinks), and 5 feet in height (with the exception of umbrellas, etc.)
- The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the pushcart, operator, and any other accessories such as a trash can.
- Signage is limited to one wall sign to be affixed to the front of the cart with a maximum size of six square feet OR a one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these type of signs. The sign shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed; product placement of items not sold on-site on the cart, umbrellas, or signs is prohibited.

### **Operation:**

- Sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division
- Only food, beverages, and cut flowers are permitted for vending on public sidewalks.
- The sidewalk vendor shall only be located within the designated permitted area.
- The pushcart shall be attended at all times.
- Sidewalk vendors shall not conduct transactions with vehicular traffic located in the street right-of-way.
- Sidewalk vendors shall not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk. All vendors must locate on the interior of the sidewalk, leaving at least five feet or 50% of the sidewalk free and clear between the cart and the street curb.
- Items being sold shall not cause undue noise or offensive odors, be easily carried by pedestrians and involve a short transaction period to complete the sale.
- Mobile generators and extension cords across sidewalks or other properties are not allowed.
- No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- If utilized, umbrellas must have 7 feet of free and clear space from the sidewalk surface to the lower edge of the umbrella.
- Pushcart vendors shall supply a refuse container and are responsible for the cleanliness and disposal of litter in their designated area.
- No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares.
- No audible amplified music is permitted.
- Street vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 p.m. and 3 a.m.
- The Zoning and Development Administrator is authorized to revoke a sidewalk vendor's permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.



APPROVED  
SIDEWALK VENDOR  
LOCATIONS:  
FAYETTEVILLE  
SQUARE

**N**  
1" = 30'  
FAYETTEVILLE  
SQUARE