

## TITLE 4

### BUSINESS LICENSES AND REGULATIONS

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- 4.08 Electric Franchise with Carroll Cooperative
- 4.12 Electric Franchise with Southwestern Power
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#### CHAPTER 4.04

### OCCUPATIONAL LICENSES

#### Sections:

- 4.04.01 General
- 4.04.02 Business licenses required
- 4.04.03 Excepted businesses
- 4.04.04 Door to door sales
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**4.04.01 General** The conducting and carrying on of any business, including but not limited to, all trades, occupations, vocations, callings and professions, except those specifically exempted in Section 3 of this ordinance, those specifically exempted by the laws of the state of Arkansas, and also excepting public utilities otherwise taxed by the city, within the boundaries of the city of Centerton, is hereby declared to be a privilege, and each and every person conducting or engaging in any such business shall apply for and pay for a license therefore in the amounts and procedural requirements as set out. For the purposes of this ordinance, "Business" is defined as any commercial activity whether such activity is the providing of a service or of goods.

**4.04.02 Business licenses required** It shall be unlawful for any person in the city of Centerton to engage in, exercise, or pursue any line of business without first having obtained a business license

therefore from the city of Centerton. For the purposes of this ordinance, "Person" is defined as any individual, firm, entity, partnership or corporation. (Ord. No. 94-5, Sec. 2.)

**4.04.03 Excepted businesses** Certain businesses shall be exempt from the requirements of this ordinance. The City Council of the city of Centerton is authorized to amend this list from time to time by resolution, duly adopted. The list of exempted businesses is as follows:

- A. Farming businesses, ranching businesses and animal husbandry businesses involving non-domestic or exotic animals unless the sole purpose of the business is the commercial breeding of livestock;
- B. Charitable and non-profit businesses;
- C. Building contractors unless they have an established, permanent office located within the city limits. (Ord. No. 2006-41, Sec. 1.)

**4.04.04 Door to door sales** Those businesses engaged in door-to-door commercial sales transactions, including but not limited to, makeup sales, vacuum cleaners, etc., shall first pay an annual permit fee of \$50.00. In addition to the annual permit fee paid to the City of Centerton, the City of Centerton shall issue a permit to each person operating as a representative for the business at the cost of \$5.00 for each individual permit. Each individual operating as an agent or representative of the permittee is required to keep proof of permit on person at all times when operating within the city. This permit shall state the amount paid, the person to whom it was issued, the nature of the business, and the expiration of the permit. Such permit shall be issued for 60 days and shall expire 60 days from its issuance. The permit applicant shall be required to renew said permit every 60 days at no additional cost. Door-to-door sales shall only be permitted within the city limits between the hours of 10:00 a.m. and 7:00 p.m.

- A. No Soliciting Notice-May be posted at the front door of any private residence, and or on the premises of said property, or along a lane, driveway, etc. in the city, and by said notification any solicitor has been given notice that soliciting at this address is prohibited.
- B. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of no less than Twenty Five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), and if such violation be continued, each day's violation shall be a separate offense. The maximum fine per day for a continuing violation shall be Two Hundred Fifty Dollars (\$250.00).

**4.04.05 Procurement of license** All licenses issued under this ordinance shall become due on January 1<sup>st</sup> of each year. If not paid timely, additional penalties as listed below will be assessed, notwithstanding any other penalty provided for in this ordinance, together with the costs necessary for the collection including, but not limited to, court costs and reasonable attorneys' fees.

- A. If not paid by February 28<sup>th</sup>, a penalty of 10% of the license fee will be assessed.
- B. If not paid by March 31<sup>st</sup>, a penalty of 20% of the license fee will be assessed.
- C. If not paid by April 30<sup>th</sup>, a penalty of 50% of the license fee will be assessed.
- D. If not paid by May 31<sup>st</sup>, a penalty of 100% of the license fee will be assessed.
- E. If not paid by June 20<sup>th</sup>, a penalty of 200% of the license fee will be assessed.

All licenses shall be payable annually and no license shall be issued for a longer period of time than one (1) year. If the applicant's business is required to undergo a fire inspection in accordance with the applicable fire code, applicant must present proof of inspection along with applicable fee.

**4.04.06 Application** Any applications for license shall be made to the city Recorder/Treasurer who shall collect from the applicant the license fee, which is hereby set at One Fifty Dollars (\$50.00) per year, and the city Recorder/Treasurer shall issue to the applicant a license certificate which shall state the amount thereof, the period covered thereby, the name of the person to whom issued, the business name to be carried, the type of business to be operated, and the locations of the place where the business is to be carried on. The fee for a business classified as a home occupation shall be Twenty-Five Dollars (\$25.00). A Home Occupation is defined as a business which meets the requirements as set forth in 14.04.10 of the Centerton Municipal Code. (Ord. No. 2013-12-, Sec. 2.)

**4.04.07 Separate license for each trade or business** Any person engaged in two or more businesses, or conducting business at two or more locations, shall be required to obtain a license for each separate business, or business location. (Ord. No. 94-5, Sec. 7.)

**4.04.08 Fee not returnable** The license fee provided for in this ordinance, when paid for any period provided herein, shall not be returnable in case the licensee, for any reason, surrenders his license or discontinues his business, and any sum so paid shall not be returnable to any person. (Ord. No. 94-5, Sec. 8.)

**4.04.09 Transfer prohibited** No license issued under the provisions of this ordinance shall be transferred from one person to another or from one business to another without authorization from the City Council. Further, if a business changes the type of business to be operated from the type stated on the business license at its issuance, that business entity must obtain a new license. (Ord. No. 2006-41, Sec. 5.)

**4.04.10 Posting** Each license procured under the provisions of this ordinance shall be posted in a permanent place where the business covered thereby is carried on, and the holder thereof shall immediately show such license to any officer of the city, upon being requested to do so. (Ord. No. 94-5, Sec. 10.)

**4.04.11 Schedule of license taxes** Prior to the issuance of a new license pursuant to the ordinance, the business making the application must not be in violation of any city ordinance or regulation. If type of business does not adhere to zoning district, then conditional use or rezone must be applied for and granted by the Centerton Planning Commission.

**4.04.12 Punishment** Any violation of this ordinance shall be deemed a misdemeanor and any person convicted for a violation of this ordinance shall be fined in a sum not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and/or imprisoned for a term not to exceed thirty (30) days. If the violation is continuous in nature, the fine shall not be less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each day the violation continues. (Ord. No. 2006-24, Sec. 1.)

## **CHAPTER 4.08**

### **ELECTRIC FRANCHISE WITH CARROLL COOPERATIVE**

Sections:

4.08.01	Electric franchise granted to Carroll Electric Cooperative Corporation
4.08.02	Franchise tax
4.08.03	Quarterly payments
4.08.04	Franchise taking effect
4.08.05	Wire changes
4.08.06	Trimming trees
4.08.07	Attachments
4.08.08	Exclusive privileges

**4.08.01 Electric franchise granted to Carroll Electric Cooperative** Carroll Electric Cooperative, its successors and assigns, shall continue to operate its electrical power system and all business incidental to or connected with the conducting of business systems engaged in the sale of electrical power and energy within the city limits of the city of Centerton as heretofore allocated to Carroll Electric Cooperative Corporation by the Arkansas Public Service Commission. The plant construction and appurtenances used in or incident to the giving of electrical power service and to the maintenance of an electrical power business shall remain as now constructed, subject to such changes as may be considered necessary by the city of Centerton, Arkansas, in the exercise of its inherent power and by Carroll Electric Cooperative Corporation in the conduct of its business and by the Arkansas Public Service Commission in its regulatory power of public utilities. Carroll Electric Cooperative shall continue to exercise its right to place, remove, construct, extend and maintain its said plant and appurtenances thereto, along, over, across, on, through, above and under all public streets, alleys, avenues, and the public grounds and places in certain areas heretofore allocated by the Arkansas Public Service Commission and within the corporate limits of the city of Centerton, Arkansas, as said corporate limits are now located or as may hereafter be located within the area assigned to it by Arkansas Public Service Commission. (Ord. No. 94-14, Sec. 1.)

**4.08.02 Franchise tax** That Carroll Electric Corporation shall pay to the city of

Centerton, Arkansas, for the period commencing January 1, 2003, a sum equal to four percent (4%) of its gross sales of electrical power to domestic and commercial consumers within the territory served by Carroll Electric Corporation within the corporate limits of the city of

Centerton, Arkansas, as said corporate limits now exist or may hereafter exist; said sum to be paid in quarterly-annual payments; Carroll Electric Corporation shall have thirty (30) days from the end of each quarter to compute and make the payments provided for herein (Ord. No. 2002-11, Sec. 1.)

**4.08.03 Quarterly payments** Quarterly payments herein required shall be in lieu of all other charges, licenses, fees, or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the city of Centerton, Arkansas, under authority conferred by law. (Ord. No. 94-14, Sec. 3.)

**4.08.04 Effect of franchise** This franchise shall take effect and continue and remain in force as provided in A.C.A. 14-200-103, as same may be amended from time to time. (Ord. No. 94-14, Sec. 4.)

**4.08.05 Wire changes** Carroll Electric Cooperative Corporation, on the request of any person, shall remove or raise its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Carroll Electric Cooperative Corporation shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes. (Ord. No. 94-14, Sec. 5.)

**4.08.06 Trimming trees** Permission is hereby granted to Carroll Electric Cooperative Corporation to trim trees upon and overhanging streets, alleys, sidewalks, and public places of the city of Centerton, Arkansas, so as to prevent the branches of trees from coming in contact with the wires and cables of Carroll Electric Cooperative Corporation; all of the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated. (Ord. No. 94-14, Sec. 6.)

**4.08.07 Attachments** Nothing in this ordinance contained shall be construed to require or permit any electrical light or power wire attachments by the city, or for the city. If light or power attachments are desired by the city or for the city, then a separate non-contingent agreement shall be a prerequisite to such attachments. (Ord. No. 94-14, Sec. 7.)

**4.08.08 No exclusive privileges** Nothing herein contained shall be construed as giving to Carroll Electric Cooperative Corporation any exclusive privileges, nor shall it affect any prior or existing rights of Carroll Electric Cooperative Corporation to maintain an electrical power system within the city of Centerton, Arkansas. (Ord. No. 94-14, Sec. 8.)

## **CHAPTER 4.12**

## **FRANCHISE WITH SOUTHWESTERN POWER**

### Sections:

- 4.12.01 Franchise granted to Southwestern Electric Power Company
- 4.12.02 Franchise tax
- 4.12.03 Quarterly payments
- 4.12.04 Franchise taking effect
- 4.12.05 Exclusive privileges

**4.12.01 Electric franchise granted to Southwestern Electric Power Company** The Southwestern Electric Power Company, its successors and assigns, shall continue to operate its electrical power system and all business incidental to or connected with the conducting of business systems engaged in the sale of electrical power and energy within the city limits of the city of Centerton as heretofore allocated to Southwestern Electric Power Company by the Arkansas Public Service Commission. The facilities used in or incident to the giving of electrical power service and to the maintenance of an electrical power business shall remain as now constructed, subject to such changes as may be considered necessary by the city of Centerton, Arkansas, in the exercise of its inherent power and by Southwestern Electric Power Company in the conduct of its business and by the Arkansas Public Service Commission in its regulatory power of public utilities. Southwestern Electric Power Company shall continue to exercise its right to own, operate, and maintain a system of poles, wires, fixtures, and appurtenances along the public streets, alleys, and highways for the purpose of supplying and distributing electric power to the residents or inhabitants of the city, as the corporate limits are now located or as may hereafter be located within the area assigned to it by the Arkansas Public Service Commission. (Ord. No. 99-14, Sec. 1.)

**4.12.02 Franchise tax** That Southwestern Electric Power Company shall pay to the city of Centerton, Arkansas, for the period commencing January 1, 2003, a sum equal to four percent (4%) of its gross sales of electrical power to domestic and commercial consumers within the territory served by Southwestern Electric Power Company within the corporate limits of the city of Centerton, Arkansas, as said corporate limits now exist or may hereafter exist; said sum to be paid in quarterly-annual payments, Southwestern Electric Power Company shall have thirty (30) days from the end of each quarter to compute and make the payments provided for herein. (Ord. No. 2002-13, Sec. 1.)

**4.12.03 Quarterly payments** Quarterly payments herein required shall be in lieu of all other charges, licenses, fees, or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the city of Centerton, under authority conferred by law. (Ord. No. 99-14, Sec. 3.)

**4.12.04 Franchise taking effect** This franchise shall take effect and continue and remain in force as provided in A.C.A. 14-200-103, as same may be amended from time to time. (Ord. No. 99-14, Sec. 4.)

**4.12.08 Exclusive privileges** Nothing herein contained shall be construed as giving to

Southwestern Electric Power Company any exclusive privileges, nor shall it affect any prior or existing rights of Southwestern Electric Power Company to maintain an electrical power system within the city of Centerton, Arkansas. Any provisions of any ordinances or resolutions relating to the franchise previously granted to Southwestern Electric Power Company not specifically or impliedly amended or repealed herein shall remain in full force and effect. . (Ord. No. 99-14, Sec. 5.)

## **CHAPTER 4.16**

### **GAS FRANCHISE**

#### **Sections:**

- 4.16.01 Franchise granted to Arkansas Western Gas Company
- 4.16.02 Rights of Grantee
- 4.16.03 No fees for public service
- 4.16.04 Town is not liable for damage
- 4.16.05 Rates shall be prescribed
- 4.16.06 Grantee shall furnish proper information
- 4.16.07 Franchise tax
- 4.16.08 Quarterly payments
- 4.16.09 Taking effect

**4.16.01 Franchise granted to Arkansas Western Gas Company** That the city of Centerton, hereby grants to the Arkansas Western Gas Company the right, privilege and authority with-in the present and all future expansions of the corporate limits of the city of Centerton (1) to sell, furnish, transmit and distribute natural gas to all inhabitants and consumers within the said limits; and (2) subject to the terms, conditions and stipulations mentioned in this ordinance, consents and the right, permission and franchise is hereby given to the Arkansas Western Gas Company, a corporation organized and existing pursuant to the laws of the State of Arkansas, Grantee, and to its successors, lessees, and assigns to lay, construct, equip, operate, repair, and maintain a system of gas mains, pipes, conduits, feeders and the appurtenances for the purpose of supplying and distributing natural gas for light, fuel, power, and heat and for any other purpose, to the residents or inhabitants of the said City; and further, the right to lay, construct, operate and maintain a system of gas mains, pipe lines, pipe conduits and feeders and the necessary attachments, connections, fixtures and appurtenances for the purpose of conveying, conducting of distributing natural gas from any point beyond said city limits in order to enable the said Grantee to distribute and sell natural gas to the said City and to the residents or inhabitants thereof, and to others. As used in this ordinance the terms "natural gas" and "gas" shall be defined as including, in addition to natural gas, such alternate, substitute or supplemental fuels as (without necessarily limited to) liquefied natural gas, liquefied petroleum gas, synthetic natural gas and propane – air. (Ord. No. 99-20, Sec. 1.)

**4.16.02 Rights of Grantee** The Grantee herein is expressly given the permit (subject to the proviso hereinafter contained) to use the streets, avenues, roads, highways, alleys, sidewalks

and other public places, as now laid out, or hereafter to be established, for the purpose of laying gas mains, pipe lines, conduits and feeders, and the necessary attachments, fixtures, connections and appurtenances for the purpose of conveying or conducting natural gas from any point within the said City or to any point beyond the city limits of the said City, or to any other point, through and beyond the city limits of said City, and to operate and maintain a system of pipe lines, pipes, conduits, feeders and the necessary attachments, connections, fixtures and appurtenances for the distribution of natural gas within said City to serve the said City and the residents and inhabitants thereof, and others; provided, however, that where alleys are accessible for laying mains and pipes, the City shall have the right to require that the mains and pipes shall be laid in the alleys instead of the streets, so long as this is economically feasible (does not create an economic hardship). (Ord. No. 99-20, Sec. 2.)

**4.16.03 No fees for public service** No fees or charges of any kind shall be imposed by Grantor upon the Grantee or upon any successors, or upon any consumer of natural gas for the breaking or opening of any highway, street, road, avenue, alley, or other public places, or for the laying of any main, service pipe or other connections therein, except as would be generally imposed on others performing similar work under similar circumstances and conditions.

Nothing in this franchise shall be construed in such manner as to in any manner abridge the right of the City to pass and enforce the necessary police regulations for the purpose of protecting the citizens of said City and their property and the property of the Grantee.

Grantee shall at all times keep and display the necessary danger signals and proper guards around all excavations and obstructions and shall keep sufficient space in good condition for the travel of vehicles on at least one side of all excavations and obstructions, and shall as soon as practical restore all openings on the highway, road, street, avenue, alley and other public places to condition equally as good as before said openings and obstructions were made. Anything to the contrary notwithstanding, when in the judgment of Grantee it is necessary for the safety of the citizens, to divert or detour traffic from the area of excavations they have the power to so do upon notice to said City. (Ord. No. 99-20, Sec. 3.)

**4.16.04 City is not liable for damage** The Grantee shall do no injury to any highway, road, street, avenue, alley, lane, bridge, stream or water course, park or public place, except as specifically allowed, nor with any public or private sewer or drainage system, or water lines, now or hereafter laid or constructed by the said City or by any authorized person or corporation, but no sewer or water pipes, electric conduits, telephone or TV cables shall, be so laid as to interfere unnecessarily with any gas main or pipes which shall have been laid prior to the time of laying such electric conduits, telephone and TV cables, sewer or water pipes. The Grantee shall fully indemnify and save harmless the City from any and all claims for damage for which said City shall or might be made or become liable by reason of the granting of this franchise, or any negligence or carelessness on the part of said Grantee, or because of any act or omission of the Grantee in the construction and operation of its system of mains and pipes. (Ord. No. 99-20, Sec.

**4.16.05 Rates shall be prescribed** Natural gas service shall be provided under the terms and conditions herein specified in pursuant to the rules and regulations of the Arkansas Public Service Commission governing utility service, as well as Grantee's rules and regulations



governing natural gas service on file with the Arkansas Public Service Commission and is interpreted and enforced by Grantee. All utility services shall conform with these rules and regulations, as well as any other applicable rules and regulations, federal or state laws, including but not limited to the Arkansas Plumbing Code.

The rates which are to be charged by Grantee for natural gas service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be lawfully approved or prescribed by the Arkansas Public Service Commission or any successor regulatory authority having jurisdiction thereof.

The Grantee shall have the right to make and enforce as a part of the conditions under which it will supply natural gas for heat, power, light, fuel or other purposes as herein provided, all needful rules and regulations not inconsistent with law and the provisions of this franchise. (Ord. No. 99-20, Sec. 5.)

**4.16.06 Grantee shall furnish proper information** The Grantee shall furnish promptly to the proper authorities any and all information which may be asked for by them in regard to the size, location or depths of any of the pipes, mains, conduits or service pipes, in any form whatsoever, and any other information in regard to its occupation of roads, highways, streets, avenues, or public grounds of said City, which they may demand. Whenever the word Grantee occurs in this ordinance, it shall mean and shall be understood to be the Arkansas Western Gas Company, its successors, lessees or assigns, and whenever the words "authorities," or "proper authorities" occur in this franchise they shall mean and shall be understood to mean the authorized officer or officers, committee or board representing the city of Centerton Arkansas, or Grantor. (Ord. No. 99-20, Sec. 6.)

**4.16.07 Franchise tax** That Arkansas Western Gas Company shall pay to the city of Centerton, Arkansas, for the period commencing January 1, 2003, a sum equal to four percent (4%) of its gross sales of electric power to domestic and commercial consumers within the territory served by Arkansas Western Gas Company within the corporate limits of the city of Centerton, Arkansas, as said corporate limits now exist or may hereafter exist; said sum to be paid in quarterly-annual payments; Arkansas Western Gas company shall have thirty (30) days from the end of each quarter to compute and make the payments provided for herein. (Ord. No. 2002-12, Sec. 1.)

**4.16.08 Quarterly payments** Quarterly payments herein required shall be in lieu of all other charges, licenses, fees, or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the city of Centerton, under authority conferred by law. (Ord. No. 99-13, Sec. 3.)

**4.16.09 Taking effect** This franchise shall take effect and continue and remain in force as provided in A.C.A. 14-200-103 as same may be amended from time to time. (Ord. No. 99-13, Sec. 4.)

## **CHAPTER 4.20**

## TELEPHONE FRANCHISE

### Sections:

- 4.20.01 Franchise granted for operation of telephone system
- 4.20.02 Tax imposed upon Southwestern Bell Telephone Company
- 4.20.03 Tax shall be in lieu of other charges
- 4.20.04 Temporary moving of lines
- 4.20.05 Permission to trim trees
- 4.20.06 Ordinance does not require or permit electric light or power wire attachments
- 4.20.07 Exclusive privileges not given

**4.20.01 Franchise granted for operation of telephone system** The Southwestern Bell Telephone Company, its successors and assigns (hereinafter referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the city of Centerton, Arkansas, (hereinafter referred to as "City"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its rights to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said town as the same from time to time may be established. (Ord. No. 73-4, Sec. 1.)

**4.20.02 Tax imposed upon Southwestern Bell Telephone Company** The Telephone Company shall pay to the City on or before March 1, 1973 for the period January 1, 1973 to December 31, 1973 inclusive and thereafter for like periods on or before each March 1, an amount determined by multiplying the number of access lines in service within the corporate limits of the city as of the last day of the preceding year by the sum of \$0.93. (Ord. No. 73-4, Sec. 2.)

**4.20.03 Tax shall be in lieu of other charges** The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the City under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said City. (Ord. No. 73-4, Sec. 3.)

**4.20.04 Temporary moving of lines** The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be

paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes. (Ord. No. 73-4, Sec. 4.)

**4.20.05 Permission to trim trees** Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated.(Ord. No. 73-4, Sec. 5.)

**4.20.06 Ordinance does not require or permit electric light or power wire attachments**  
Nothing contained in this chapter shall be construed to require or permit any electric light or power wire attachments by the City or for the City. If light or power attachments are desired by the City or for the City, then a separate non-contingent agreement shall be a prerequisite to such attachments.(Ord. No. 73-4, Sec. 6.)

**4.20.07 Exclusive privileges not given** Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing right of the Telephone Company to maintain a telephone system within the city. (Ord. No. 73-4, Sec. 7.)

## **CHAPTER 4.24**

### **CABLE FRANCHISE**

#### **Sections:**

- 4.24.01 Franchise agreement
- 4.24.02 By reference

**4.24.01 Franchise agreement** The Mayor and City Clerk are hereby authorized to enter into the attached Franchise Agreement with Coxcom, Inc., d/b/a Cox Communications, a Delaware Corporation (the “Agreement”). (Ord. No. 09-12, Sec. 1)

**4.24.02 By reference** There is hereby found and declared to be an immediate need for the continuance and maintenance of a cable system which shall have a favorable impact on the residents of the City of Centerton, (“City”) living within the Service Area described in the Agreement and will otherwise benefit the public health, safety and welfare of the City and the residents thereof, and the taking of the action authorized and hereby is immediately necessary, for the accomplishing of these public benefits and purposes. It is, therefore, declared that an emergency exists and this ordinance, being necessary for the immediate preservation of the public peace, health, and safety, shall be in force and effect immediately upon and after its passage and publication. (Ord. No. 09-12, Sec. 2)

## **CHAPTER 4.28**

### **MOBILE FOOD VENDORS**

#### **Sections:**

- 4.28.01 Licensing and Permitting Information
- 4.28.02 Ventilation Control and Automatic Fire Suppression Information
- 4.28.03 Solid Fuel Cooking Devices
- 4.28.04 Hazardous Materials and Flammable/Combustible Materials
- 4.28.05 Electrical and Extension Cord Use Information
- 4.28.06 Egress and Location Information
- 4.28.07 Non-Compliant Vendors

#### **4.28.01- Licensing and Permitting Information:**

##### A)-Mobile Food Vendor Definition: (MFV)

Any cooking facility, apparatus or equipment, being operated on a one-time or interim basis, or for less than 90 days in the same location, other than at a fixed location, building or structure which has been inspected and permitted under another section of this code, regulation or statute, inclusive of self-propelled trucks and vehicles, trailered units, push carts, equipment located under cover of awnings, canopies or pop-up tents, or other structures for which a building permit has not been issued.

B)-MFV operating within the City of Centerton shall obtain a conditional use permit to operate. This permit shall be valid for one year from date of issue. The MFV shall receive an annual fire inspection.

##### bb)-Conditional Use Permit Provisions:

I)- Successful completion of a fire inspection via the Centerton Fire Department.

II)- Compliance with the most current Arkansas Fire Prevention Code set, Arkansas Mechanical Code set, Arkansas Fuel Gas Code set, nationally recognized standards referenced within, and the City of Centerton Ordinance document.

#### **4.28.02 Ventilation Control and Automatic Fire Suppression Information:**

A)-Ventilation Control systems shall be appropriate for the cooking operations conducted. Ventilation systems shall be capable of exhausting all byproducts of cooking operations. The hood must be designed to adequately collect and exhaust fumes, smoke and vapors from the area over which it is installed. Hood systems shall be maintained and cleaned in accordance with the AFPC/AMC.

B)-All Mobile Food Vehicles with commercial or residential cooking equipment that produce grease laden vapors shall be required to have an Automatic fire-extinguishing system designed to

meet or exceed manufactures coverage limits/listing criteria.

C)-Fire extinguishers are required for all mobile food vendor operations. All fire extinguishers shall be maintained and inspected on an annual basis by a licensed provider. A fire extinguisher (minimum size of 2A 40 BC) will be required; in addition a Class K extinguisher and high flow multi-purpose dry chemical, may be required. If deep fat fryers are used operators shall have and maintain a Class K portable fire extinguisher, if LPG or CNG or similar flammable gas, are used operators shall have a high flow ABC type fire extinguisher. Both additional fire extinguishers shall be proper size with respect to the hazard covered.

D)-Clearances between open flame and fryers shall be maintained or non-combustible protective devices installed per AMC/NFPA 96.

E)-Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

#### **4.28.03- Solid Fuel Cooking Devices:**

A)-A proper sized K-Class fire extinguisher shall be provided.

B)-A non-combustible ash/coal removal device shall be provided.

C)-Only approved charcoal lighter fluid shall be used to start the fire, once the fire is ignited the lighter fluid shall be removed from the MFV or stored in an approved non-combustible, liquid tight over-pack device away from heat sources.

D)-Charcoal chimneys that do not require starting fluid shall be accepted and is recommended for solid fuel starting method.

E)-Solid fuel shall be stored with proper clearance to combustibles.

#### **4.28.04- Hazardous Materials and Flammable/Combustible Materials:**

A)-Individual containers, cartons, tanks, packages and emergency shut-off means shall be conspicuously marked or labeled in an approved manner.

B)-Hazardous materials or liquids shall be disposed of in the proper manner. They shall not be released into any un-approved refuse dumpster, sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal water or on the ground, sidewalk, street, highway or into the atmosphere.

C)-A Maximum limit of 2 -100 lb. tanks are allowed (200 lbs. aggregate), and empty cylinders/tanks shall be placed a minimum of 5 feet from sources of ignition, outside of tents or other structures and must be secured to an immovable object with chain or other non-combustible securing device (no bungee cords or ratchet straps) to prevent tanks from being tipped or knocked over. Tanks/Cylinders on grassy areas shall be chained or securely attached to

stakes driven into the ground. Tanks/Cylinders located on pavement shall be securely attached to an immovable object.

D)-Propane and Natural Gas Tanks. Only U.S. Department of Transportation-approved models of propane and natural gas tanks (49 CFR 178) may be used on mobile food vehicles. Tanks must be properly labeled with prominent safety placards in accordance with U.S. DOT regulations (49 CFR 178). Tanks must be equipped with a regulator as prescribed by NFPA 58—6.23.4 and 5.2.15. No quick-connect devices (as defined in NFPA 58—7.2.2.5) are allowed, except on chassis-mounted tanks. Any such quick connect devices on chassis mounted tanks shall be equipped with a manual shutoff.

Mobile food vehicle operators must follow manufacturer specifications and best practices for their vehicle as configured in their fire safety permit, especially with respect to weight distribution.

dd)-Mounting and Placement of Propane and Natural Gas Tanks. The mounting of propane and natural gas tanks must withstand impact equal to four times the weight of the filled propane or natural gas container according to NFPA 58—6.23.3.4. Tanks must be secure (NFPA 58—5.2.4) and conform with NFPA standards relating to the safe mounting of tanks as described in NFPA 58—6.23.3.3. Under these guidelines there are three permitted mounting options for propane and natural gas tanks:

a. Outside mounted in a semi-enclosed cabinet, with vents at the top and bottom to facilitate the diffusion of vapors, vapor-tight to the interior of the vehicle, with a weather-protected regulator and a leak indicator as described in NFPA 1192—6.4.8.

b. Outside mounted, secured on top and bottom and stabilized (e.g. with a strap), vapor-tight to the interior of the vehicle, mounted no less than 28” above the top of the bumper with a weather-protected regulator.

c. Chassis mounted, according to NFPA 58—6.23.3.4

No gas tanks shall be installed on the roof of the vehicle under any circumstances. In addition, no flammable liquids should be stored inside the vehicle. Such liquids may only be stored in their own separate container in a manner consistent with propane and natural gas mounting specifications.

E)-Propane and natural gas tanks shall be shut off while mobile food vehicle is in motion, unless the tank is equipped with an impact detection shut off device approved by the U.S. DOT.

Propane and natural gas tanks must always be shut off while the vehicle is unattended and/or in overnight storage.

F)-Only rubber hose stamped “Approved for LP Gas” or rigid black pipe shall be used to transport gas from tanks to appliances. Copper piping shall NOT be used. Rubber hose shall be kept off the ground and be protected from physical damage. The first connection from regulator at tank shall be flexible rubber type.

G)- Detection systems. All mobile food vehicles must be equipped with a working carbon monoxide detector that meets standards set forth in NFPA 1192—6.4.6. All cabinet-mounted tanks must be equipped with a leak indicator according to NFPA 1192—6.4.8.

gg)- All Mobile Food Vehicle Owners should acquire a Combustible Gas Detector for daily checking for LP/CNG leaks on your vehicle.

- Combustible Gas Detector handheld units can be acquired from supply stores within the area (e.g. Sears, Grainger, Lowes, etc.). The units range in price. Listed below are examples of Gas Detectors that would be good for testing LP/CNG leaks:

- o TIF-TIF8800X Combustible Gas Detector
- o Sensit Gas-Trac NG- Combustible Gas Detector

Several manufacturers have similar units that meet the same specifications for LP/CNG leaks.

#### **4.28.05-- Electrical and Extension Cord Use Information:**

A)-Extension cords shall be plugged directly into an approved receptacle except for approved multi plug extension cords and shall serve only one portable appliance. No “pigtailed”, splicing or “daisy chaining”.

I)-The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord. (Never can a small cord supply a larger)

II)-Extension cords shall be maintained in good condition without splices, deterioration or damage.

III)-Extension cords shall be grounded when serving grounded portable appliances.

IV)-Extension cords shall be plugged into Ground Fault protected outlets, be protected with Ground Fault protection breakers, or other listed and approved portable Ground fault type protection devices shall be utilized.

V)-Where power and extension cords must be located in a vehicle or foot traffic area they must be protected from physical damage and from becoming a tripping hazard; power cords shall be installed overhead at approved height and/or run through a PVC conduit or commercial wire chase/bridge type protection device. Use of carpets, tape or equivalent is prohibited.

VI)- All electrical cords shall be U.L. listed electrical cords rated for outdoors use. **NO HOUSEHOLD OR NON-WEATHER TIGHT POWER CORDS OR ELECTRICAL OUTLETS WILL BE PERMITTED.** All electrical wiring and devices shall be in compliance with the National Electrical Code

B)-Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

#### Power Cord Chart

Maximum Load: up to 20amps shall have no longer than 100 ft., #12 AWG cord

Maximum Load: up to 30amps shall have no longer than 50 ft., #10 AWG cord

Maximum Load: Greater than 30 amps shall require licensed electrician to submit for approval to the Centerton Fire Marshals’ Division and install approved power supply.

C)- All commercial generators must be grounded with a 6ga copper wire terminated to an 8’ copper rod driven into earth. Alternatives to this grounding must be approved by a licensed electrician and submitted to the Centerton Fire Marshals’ division for approval. Small portable generators must only be located on earth unless an alternative NEC approved grounding method is provided via a licensed electrician and approved before use.

I)-All connections must be ground fault protected.

II)-Once started, portable generators shall be capable of running continuously, without

refueling, for the entire length of the event as long as the event is open to the public. Refueling a hot portable generator, or the storage of fuel on site, shall not be permitted.

III)-An approved fire extinguisher with a minimum rating of 2A:20-B:C, shall be kept close to the generator. The approved fire extinguisher must have been commercially serviced within the past twelve (12) months.

IV)-All generators shall be located away from the public and public pathways with a barrier installed around every generator so as to prevent persons from tampering with electrical cords, and prevent persons from coming in contact with hot equipment.

#### **4.28.06-Egress and Location Information:**

A)-A MFV must maintain a 10 ft. clearance in all directions from any structure and any other MFV.

B)-A MFV may not be located under an awning/canopy attached to any other building or other MFV.

C)-A MFV shall not obstruct or adversely impact any fire protection feature, from any building or other MFV. (i.e.: hydrants, sprinkler fdc's, etc.)

D)-A MFV shall not obstruct or adversely impact any required means of egress from a near-by building or facility.

E)-A MFV shall meet the exterior wall and openings requirements set forth in chapter 7 of the AFPC Volume II.

#### **4.28.07-Non-Compliant Vendors:**

A)-The provisions of section #2 in this document pertaining to the Ventilation Control and Automatic Fire Suppression systems, shall allow for MFV meeting all other code/standard provisions to operate while seeking compliance with this section prior to March 31<sup>st</sup> 2017.

***\*\*\*ALL OTHER OPERATIONS SHALL BE CONDUCTED IN A SAFE MANNER WHICH IS CONSISTENT WITH NATIONALLY RECOGNIZED GOOD PRACTICES.***

***\*\*\*ALL VENDORS SHOULD BE AWARE THAT THE FIRE MARSHAL MAY INSPECT ANY SITE PRIOR TO THE OPENING OF A FESTIVAL/EVENT AND THAT ALL OF THE ITEMS CONTAINED HEREIN ARE THE RESPONSIBILITY OF THE VENDOR AND MUST BE IN PLACE OR THE VENDOR WILL NOT BE ALLOWED TO OPEN FOR BUSINESS. IF DURING THE COURSE OF AN EVENT; AN ONSITE INSPECTION DETERMINES THAT THERE IS A VIOLATION OF ANY OF THESE CONDITIONS; THE VENDOR'S BUSINESS SHALL BE CLOSED UNTIL SUCH TIME AS THE PROPER CORRECTIVE MEASURES HAVE BEEN TAKEN AND INSPECTED BY THE FIRE MARSHAL OR DESIGNEE.***