

**Town of Oak Grove, Arkansas**  
**ORDINANCE**

No. 87-2012

**AN ORDINANCE REQUIRING ITINERANT VENDORS TO ACQUIRE A PERMIT  
BEFORE SELLING GOODS IN THE TOWN OF OAK GROVE AND FIXING THE  
PENALTY FOR FAILING TO ATTAIN SAID PERMIT**

WHEREAS, the Town Council of the Town of Oak Grove wishes to safeguard the health and welfare of its citizens, and insure that the citizenry, and the Town of Oak Grove, have the ability to remediate any health, sanitation, or welfare problems that may arise from persons or entities engaged in the transitory sale of goods or other transitory business endeavors within the Town of Oak Grove;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF OAK GROVE, ARKANSAS the following:

**Section 1: AUTHORITY.**

This ordinance is adopted pursuant to the authority of the Town Council of Oak Grove.

**Section 2: DEFINITIONS.**

"Itinerant Vendor": (1) The term "Itinerant Vendor" as used in this ordinance shall include persons, principles, agents, corporations or other business entities who engage in a temporary or transient business in the Town of Oak Grove, either in one locality or in traveling from place to place selling goods, wares or merchandise, and who, for the purpose of carrying on such business, hire, lease or occupy a building, structure, vehicle, cart or other device from which goods are sold. (2) The definition of Itinerant Vendor does not include principles, agents, corporations or other business entities exclusively selling fruits, vegetables or other farm produce.

**Section 3: LICENSE REQUIRED.**

It shall be unlawful for any itinerant vendor to engage in business or the sale of goods within the Town of Oak Grove without a permit.

**Section 4: APPLICATION.**

Application for a permit shall be made to the Town of Oak Grove, Recorder/Treasurer and shall state thereon the name and mailing address of the applicant, the description and number of vehicles, carts or other devices, if any, intended to be operated, the kind of merchandise to be sold, the location where items are to be sold and business conducted and the dates and hours during which business will be conducted. The applicant will also provide the Town of Oak Grove, Recorder/Treasurer with copies of any and all other federal, state and local permits necessary for the itinerant vendor to conduct business as set forth in the application including, but not limited to, State of Arkansas sales and use tax certificates and Arkansas State Health permits to operate a food establishment. The applicant shall provide the Town Recorder/Treasurer with any such other information as may be reasonably required.

**Section 5: FEE.**

The fee for a permit shall be \$5.00 for the itinerant vendor conducting business in the Town of Oak Grove, which fee shall be paid at the time the application is filed.

**Section 6: ISSUANCE OF PERMIT.**

A. Prior to issuing a permit, the Town Recorder/Treasurer shall require a completed application together with any and all fees and copies of all necessary federal, state and local permits as required by Section V above;

B. In no more than fifteen (15) working days, the Town Recorder/Treasurer shall act on the permit application. If the permit is denied, the reasons for the denial shall be made in writing to the applicant in person or by mail. If the permit is approved, it shall note all restrictions which apply on the face of the permit, including those as are hereinafter set forth in Section X.

C. A person may appeal to the Oak Grove Town Council the denial of a permit by filing a written notice of appeal with the Town Recorder/Treasurer within five (5) days of receipt of notification that the permit is denied. The Oak Grove Town Council shall forthwith consider the appeal at a hearing after notice to the applicant at which the applicant is entitled to be present. The Oak Grove Town Council may affirm or reverse the Town Recorder/Treasurer's decision, or attach such additional conditions to the permit as will, in their best judgment, protect the public's health, safety and welfare and to prevent the damage of public and private property.

**Section 7: DISPLAY OF PERMIT.**

The permit shall at all times be visibly posted at the location at which the business or sale of goods is being conducted or shall be carried with the Itinerant Vendor for presentation upon request.

**Section 8: LOCATION RESTRICTIONS.**

No Itinerant Vendor shall ply his vocation on any street, sidewalk, park, property, or in any other public place unless his/her permit specifies that vending in such public place is permitted. At no time may an Itinerant Vendor block a street, sidewalk, alleyway, or driveway without written authorization as indicated on the face of the permit.

**Section 9: RELIGIOUS, CHARITABLE, EDUCATIONAL AND SERVICE ORGANIZATIONS.**

A. Authorized representatives of religious, charitable, educational or service organizations desiring to solicit or raise money through the sale of goods or through the sponsoring of an activity in a public place or on any municipal property, buildings, sidewalks or rights of way shall be exempt from paying any fees required by any section of this Ordinance. All such organizations shall be required to submit in writing to the Town Recorder/Treasurer the name and purpose of the cause for which such sale of goods or activity is being conducted, the name and address of the immediate director of such activity, and the period during which such activity is to be carried-out in the Town of Oak Grove and the time, place and location of such activity. If the Town Recorder/Treasurer, after investigation, shall find that the organization is a bona fide charitable, religious, educational or service organization, and that the activity will not jeopardize



the public's health, safety and welfare, he/she shall issue, free of charge, a permit to carry on such sale of goods or activity at a specified time and place and upon such other conditions as the Town Recorder/Treasurer shall require. Such permit shall cover all persons engaged in the activity for which the permit was issued.

B. If, prior to April 15 of any given year, a religious, charitable, educational or service organization has submitted and received a permit to carry on the sale of goods or activities as described above, then any Itinerant Vendor permits issued pursuant to this Ordinance shall, for the year in question, be invalid on the day in which such activities are to occur, except that: (1) the Itinerant Vendor may conduct business on behalf of the religious, charitable, educational or service organization by agreement with such organization, which agreement shall be made in writing and provided to the Town Recorder/Treasurer prior to the sale of goods or activity occurring; or (2) those Itinerant Vendors who are operating or conducting business outside the designated area in which the sale of goods or activity is occurring as approved by the Town Recorder/Treasurer shall be permitted to conduct business on the designated day provided they have sought and obtained prior approval from the Town Recorder/Treasurer.

#### Section 10: PENALTY.

Any persons, principles, agents, corporations or other entities violating the provisions of this article shall be fined not less than \$25.00 nor more than \$200.00 for each offense as determined by the Town Council; and a separate offense shall be deemed committed for each week in which a violation continues after notice of violation.

**Section 11: EFFECT. BE IT FURTHER ENACTED** that this Ordinance being necessary for the preservation of the public peace, health, safety, and welfare of the inhabitants of Oak Grove, Arkansas, an emergency is hereby declared and this Ordinance shall be in full force and effect from and after its passage.

Dated this 4<sup>th</sup> day of March, 2012.

Approved and Attested by:

Hon. Sam Jones  
Mayor

*Patsy Carlton*  
Interim Mayor

*Patsy Carlton*  
Hon. Patsy Carlton  
Recorder/Treasurer

First Reading: Councilmen voting "aye" Gary Gray, Josh Peden, Gary High, Eugene Reynolds & Councilwoman Janice McKelvey.  
Second Reading: Councilmen Eugene Reynolds, Councilwoman Janice McKelvey, Gary Gray, Gary High, Josh Peden.  
Third Reading: Councilmen Gary High, Eugene Reynolds, Josh Peden, Gary Gray & Councilwoman Janice McKelvey.