

ARTICLE 8-8: REQUIREMENTS FOR COMMUNITY AND CIVIC EVENTS

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§ 8-8-1 PURPOSE AND INTENT.

This article is intended to regulate community and civic events for the benefit of its citizens and visitors which enable the city to:

- (A) Protect life, health, property and general welfare of the city;
- (B) Minimize expenditures of public funds for community and civic events;
- (C) Minimize business interruptions during events while promoting business growth and economic development;
- (D) Implement a high profile, proactive approach to local economic development through public/private partnerships;
- (E) Provide a range of community and civic events open to everyone to improve the quality of life in the city;
- (F) Facilitate the redevelopment and revitalization of the downtown and older commercial areas;
- (G) Assist the city in implementing its overall economic development goals;
- (H) Provide a consistent set of standards for community and civic events;
- (I) Compete on an equal basis with other communities for tourism and other economic development projects.

(Ord. 1450, passed 9-19-2017)

§ 8-8-2 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIC EVENT. An activity or gathering not exceeding 4 consecutive days in any calendar year which is conducted, organized and sponsored solely by the city or in conjunction with a non-profit organization, has been approved as such by the council during the annual budget process and which is open to all participants on an equal basis.

COMMUNITY EVENT. An activity or gathering not exceeding 4 consecutive days in any calendar year which is conducted, organized and sponsored by non-profit organizations or for-profit organizations and is open to all participants on an equal basis.

EVENT. An activity or gathering with the purpose of promoting or benefitting the city and its residents and/or the sponsoring organizations. An application will be required for any activity or gathering which meets any of the following criteria:

(1) Use of or impact/encroachment on any city street, sidewalk, alley or other right-of-way area (which includes any indirect impact that will affect the flow of typical vehicular or pedestrian traffic) that requires more than one city department approval, or will require the approval of more than one city department for inspections, assistance or permits.

(2) Is likely to draw a crowd to a venue not properly suited and has the potential to require special accommodations, regulations, traffic control devices or public works or safety personnel;

(3) Presence or participation of one or more for-profit or nonprofit vendors that intend to make a sale, advertise for sale, solicit sales, offer for sale, or provides a service or offer/advertise to provide a service. This provision does not apply to vendors already in possession of a valid city license issued under this code or city tax code;

(4) Activities such as weddings, funerals, private yard sales, car shows or charity car washes shall not be considered an event.

(5) A programmed event of a city department shall not be considered an event, however if the event includes vendors that are not already properly licensed with the city, then a fee of \$15 per vendor shall be collected for each event. The city department sponsoring the programmed event shall be responsible for collecting this fee from each participating vendor. These fees shall be paid in total to the city no later than 8 working days following the last day of the event.

FOR-PROFIT ORGANIZATION. Any entity or corporation which has been established, maintained, or conducted for the purpose of making a profit.

NON-PROFIT ORGANIZATION. Any religious, social, fraternal or civic organization which has been designated as a 501C organization by the Internal Revenue Service and which has a valid operating license as provided for in Vol. I, Chapter 8 of the city code or the city tax

code. Should questions as to form of business arise, interpretations of this section shall be based upon form indicia contained in the following: Arizona Revised Statutes; Internal Revenue Code Rules and Regulations prescribed by the Internal Revenue Service.

(Ord. 1450, passed 9-19-2017)

§ 8-8-3 CIVIC EVENT SPONSOR REQUIREMENTS.

(A) A non-profit sponsor of any civic event which includes vendors shall pay a fee of \$50 per day. This fee shall be paid no later than 10 city business days in advance of the first day of the event. A penalty of \$5 per day shall be assessed for each city business day the initial payment is late beginning with the city business day immediately following the initial deadline. The civic event fee shall not apply to those events which do not include vendors or city events.

(B) A non-profit sponsor of any civic event shall provide the city clerk with the name, address and telephone number of the event coordinator or contact person at least 30 city business days in advance of the event.

(C) The sponsor of any civic event shall obtain a completed vendor application, on a form to be provided by the city, from each participating vendor and obtain a copy of the vendor's driver's license for any vendor(s) not already properly licensed with the city. The sponsor shall provide the city with these completed forms in addition to a complete list containing name, address and telephone number of each participating vendor no later than 8 city business days following the last day of the event.

(D) Any food truck vendor, as defined in this chapter, that is present at a civic event shall follow the regulatory process in Article 8-10 of this chapter.

(E) Obtain the city transaction privilege tax or use tax number from the vendor in advance of an event and verify with the city that it is a valid number. No vendor will be permitted to participate in the event without a valid city tax license.

(Ord. 1450, passed 9-19-2017)

§ 8-8-4 CIVIC EVENT VENDOR REQUIREMENTS.

(A) All civic event vendors who engage or attempt to engage in a sale at a civic event or who advertise or solicit services or products shall complete a civic event vendor application in order to participate in the event. The completed form shall be submitted to the event sponsor.

(B) Non-profit organizations which participate as vendors at civic events shall not be required to complete an event vendor application if their participation is limited to the distribution of literature or information relative to their organization.

(C) Massage therapists or healthcare professionals or any students in conjunction with a recognized school of massage or educational institution as allowable under A.R.S. Title 32 who wish to participate as a vendor at a civic event shall be permitted to do so as long as such service is provided by a person holding a valid city business license and who is authorized under A.R.S. Title 32 to perform massages.

(D) Any food truck vendor, as defined in this chapter, that is present at a civic event shall follow the regulatory process in Article 8-10 of this chapter.

(Ord. 1450, passed 9-19-2017)

§ 8-8-5 COMMUNITY EVENT SPONSOR REQUIREMENTS.

(A) The sponsor of any community event which includes vendors shall remit to the city a fee of \$15 per vendor for those vendors not already properly licensed for each event. The sponsor shall be responsible for collecting this fee from each participating vendor. These fees shall be paid in total to the city no later than 8 city business days following the last day of the event. A penalty of \$5 per city business day shall be assessed for each city business day that the total fee remains unpaid.

(B) The sponsor of any community event shall provide the city clerk department with the name, address and telephone number of the event coordinator or contact person at least 30 city business days in advance of the event.

(C) The sponsor of any community event shall obtain a completed vendor application, on a form to be provided by the city, from each participating vendor and obtain a copy of the vendor's driver's license for any vendor(s) not already properly licensed with the city. The sponsor shall provide the city with these completed forms in addition to a complete list containing name, address and telephone number of each participating vendor no later than 8 city business days following the last day of the event.

(D) Any food truck vendor, as defined in this chapter, that is present at a special event shall follow the regulatory process in Article 8-10 of this chapter.

(E) Obtain the city transaction privilege tax or use tax number from the vendor in advance of an event and verify with the city that it is a valid number. No vendor will be permitted to participate in the event without a valid city tax license.

(Ord. 1450, passed 9-19-2017)

§ 8-8-6 COMMUNITY EVENT VENDOR REQUIREMENTS.

(A) All community event vendors who engage or attempt to engage in a retail sale or who solicit or advertise in any form at a community event shall complete a community event vendor application in order to participate in the event. The completed form shall be submitted to the event sponsor.

(B) Non-profit organizations who participate as vendors at community events shall not be required to complete a community event vendor application if their participation is limited to the distribution of literature or information relative to their organization.

(C) Vendors who have an appropriate license shall not be required to pay an additional vendor fee provided they are engaging in an activity covered by the license.

(D) Massage therapists or healthcare professionals or any students in conjunction with a recognized school of massage or educational institution as allowable under A.R.S. Title 32 who wish to participate as a vendor at a community event shall be permitted to do so as long as such service is provided by a person holding a valid city business license and who is authorized under A.R.S. Title 32 to perform massages.

(E) Any food truck vendor, as defined in this chapter, that is present at a special event shall follow the regulatory process in Article 8-10 of this chapter.

(Ord. 1450, passed 9-19-2017)

§ 8-8-7 TAX LICENSE REQUIRED.

Any vendor participating at a community or civic event who is engaged in a taxable activity shall be required to obtain a city privilege tax or use tax license as set forth in the Apache Junction Tax Code, Chapter 8A, Article III, Licensing and Recordkeeping. This license shall be obtained in advance of the event.

(Ord. 1450, passed 9-19-2017)

§ 8-8-8 BUSINESS LICENSE AND TAX LICENSE REQUIRED.

No city business license shall be required for a community event or civic event vendor if such vendor is engaged in hobby or craft sales in which the seller is the creator or non-paid representative of the creator and for which the gross sales of each hobbyist and craftsman shall not exceed \$3,000 in any twelve (12) month period of time. Such vendors are still required to complete the vendor application and obtain a city privilege tax or use tax license prior to participating in the event.

(Ord. 1450, passed 9-19-2017)

ARTICLE 8-10: MOBILE AND TEMPORARY FOOD AND BEVERAGE VENDORS

Section

8-10-1 Definitions

8-10-2 Permit

8-10-3 Mobile food and vending operating conditions

8-10-4 Permit revocation and appeals

8-10-5 Penalties

§ 8-10-1 DEFINITIONS.

COUNTY HEALTH PERMIT. A Pinal or Maricopa County (according to the location of where business is being conducted in the city) special event health permit for on-site inspection of temporary food booths, food trucks and mobile food vendors on the day of the event or an annual food service permit as outlined in Pinal County Environmental Health Services Substantive Policy Statements; Maricopa County Environmental Services Department Substantive Policy Statements; the Pinal County Environmental Health Code; or the Maricopa County Environmental Health Code.

FOOD VENDING CART. Any wheeled device moved by human power.

MOBILE FOOD VENDING VEHICLE. A licensed concession trailer or motorized vehicle suitable for use on a public highway which is equipped and primarily used for the sale of food and beverage of any kind including prepared, pre-packaged or unprepared, unpackaged food and nonfood sundries

specifically related to the mobile food vendor's business.

MOBILE FOOD VENDOR. Any person or entity, as defined in this chapter, who:

(1) Owns, controls, manages, operates and/or leases a mobile food vending vehicle or food vending cart;

(2) Contracts or employs any person to drive, operate, prepare foods, and/or vend from a mobile food vending vehicle or food vending cart.

OPERATOR. Any person who prepares food and/or sells food, beverages or sundries from a mobile food vending vehicle or food vending cart or any individual that operates such a vehicle or cart.

(Ord. 1450, passed 9-19-2017)

§ 8-10-2 PERMIT.

(A) Required. It is unlawful for any mobile food vendor to conduct business without first obtaining and maintaining a mobile food vendor permit and all other required licenses, including a privilege or use tax license, the applicable county environmental health services permit as determined by Pinal or Maricopa County (according to the location of where business is being conducted in the city), current food handler's card and identification cards as may be required by this chapter. If a mobile food vendor has more than one food

vending vehicle or food vending cart, multiple permits shall be required. There shall be no application fee for a mobile food vendor permit.

(B) Application. In addition to the requirements set forth in this chapter and the Apache Junction Tax Code, applicants for a mobile food vendor permit shall include the following information with the permit application:

- (1) A description of the goods to be sold;
- (2) If the applicant is an agent of the business for which the permit will be issued, the name and address of the agent, if different from the business address, together with credentials establishing the exact relationships with the mobile food vendor;
- (3) A description, license plate number and photograph of the vehicle or cart;
- (4) All location(s) from which the applicant intends to conduct business and a permanent address to which notifications may be sent;
- (5) A valid driver's license;
- (6) A mobile food vendor shall provide proof of vehicle liability insurance which shall be maintained during the term of the permit and shall have at least the minimum limits required by law;
- (7) A mobile food vendor who conducts business on public property or city right-of-way shall provide: a) a certificate of insurance naming the "City of Apache Junction" as an additionally insured party; and b) a signed indemnification and duty to defend and hold harmless commitment.

(Ord. 1450, passed 9-19-2017) Penalty, see Vol. I, § 1-1-11

§ 8-10-3 MOBILE FOOD AND VENDING OPERATING CONDITIONS.

Mobile and temporary food and beverage vendors who have obtained a permit shall be subject to the following limitations and conditions:

- (A) Mobile vending shall only be permitted to operate on developed, commercially zoned property and shall not be authorized to operate on vacant lots and shall not impede access to adjacent businesses;
- (B) There shall be an open and operating permanent business on the site in order to accommodate the sanitary facilities access requirement of the Building Code (i.e, restrooms, trash, recycling, food waste and grease disposal). The temporary food and beverage vendor must also be able to use these facilities;
- (C) The hours of operation for the vendors shall be limited to the hours that the on-site, permanent business is open;
- (D) The vendor shall secure the permission of the sponsoring business owner;

(E) Vendors/operators of food vending vehicles shall arrange for trash receptacles and will dispose of all trash during operations and shall keep the area surrounding the mobile food vending vehicles free of debris, litter and waste;

(F) The temporary food and beverage vendors shall not store the vehicle or cart when the permanent on-site business is not open unless the operator has the sponsoring business owner's permission;

(G) Mobile food vending vehicles or carts shall not be stored on the sponsoring business' property, when not in use, in lieu of placing it in a storage lot or similar facility regardless of the sponsoring business owner's permission;

(H) Mobile food and beverage vending shall be limited to 96 consecutive hours maximum at each temporary location;

(I) Signage attached to a mobile food vending vehicle shall not require a sign permit, but must conform to the signage regulations in the City of Apache Junction Zoning Ordinance. One A-frame sign or menu board per vehicle or cart is also permitted;

(J) A mobile food vendor or operator shall carry at all times proof of liability insurance, mobile food vendor permit, county health department permit, food handling card and proof of property owner approval to be on a given property;

(K) A mobile food vendor or operator may operate on city-owned or leased property, public right-of-way or city park as part of a civic event;

(L) Mobile food vending shall not be permitted on any city street or public right-of-way unless it is part of a civic event;

(M) Mobile food vendors shall be permitted to operate on private property at any location within the city when catering a private function and shall not stage the vehicle on public property or right-of-way.

(N) If the mobile food vendor is charged a fee for the food truck space, the sponsoring business owner shall comply with city tax code requirements.

(Ord. 1450, passed 9-19-2017)

§ 8-10-4 PERMIT REVOCATION AND APPEALS.

(A) A mobile food vendor permit shall be revoked by the city clerk's office for any of the following reasons:

(1) The permittee notifies the city in writing with appropriate signature that the business has been closed, sold or is no longer operating in the city; or

(2) Fraud, misrepresentation or false statement contained in the application for a permit;

(3) Any violation of this chapter or the Apache Junction Tax Code; or

(4) Conducting a business activity in violation of the Arizona Revised Statutes.

(B) Revoked permits may be reinstated only after the cause of such revocation has been fully corrected;

(C) A person whose permit has been revoked shall be issued a notice to cease mobile food vending operations within the city;

(D) Any person aggrieved by the city's decision to revoke a permit pursuant to subsection (A) above shall have the right of appeal to a hearing officer designated by the city manager. The appeal shall be filed with the city manager within 14 business days after receipt of the city's decision. The appeal shall contain a written statement setting forth fully the grounds for the appeal. The hearing officer shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant. The decision and order of the hearing officer shall be final and conclusive, except any person aggrieved may pursue any appropriate judicial proceedings;

(E) No person may reapply for any permit after revocation unless the cause for such revocation has been corrected.

(Ord. 1450, passed 9-19-2017)

§ 8-10-5 PENALTIES.

Any person violating any of the provisions of this chapter, shall be deemed guilty of a class one misdemeanor and, shall upon conviction, be punished pursuant to the provisions of the Apache Junction City Code, Vol. I, Chapter 1: General, Article 1-1: General, § 1-1-11 Penalty.

(Ord. 1450, passed 9-19-2017)