

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

Section

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§ 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 REQUIREMENTS.

(A) ~~Required.~~ It is unlawful for any mobile food vendor to conduct business without first obtaining and maintaining a ~~mobile food vendor permit~~City of Apache Junction Business License 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), and a~~ 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/licenses~~ shall be required. ~~There shall be no application fee for a mobile food vendor permit.~~

(B) ~~A mobile food vendor who conducts business on public property, city right-of-way, or at a city-sponsored special event, shall provide a certificate of insurance naming the "City of Apache Junction" and its elected officials, officers, employees and agents as an additionally insured party.~~ 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-business license 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~~ the following: a current business license, 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~~ special event approved by a city representative or within any legal parking space on city-owned property as described in Section 8-10-4;

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

(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 unless given specific permission from the city to do so.

(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 PARKING

A mobile food vendor shall comply with this subsection and applicable law as it pertains to parking.

(A) A mobile food vendor shall only operate in a legal parking space.

(B) A mobile food vendor, including any semi-permanent structure used or associated with the mobile food vendor, may use no more than one (1) legal parking space, unless the mobile food vendor has a separate agreement with the City to use additional legal parking spaces or parking spaces on City property other than right-of-way.

~~— No mobile food vendor exceeding twenty-four (24) feet may park diagonally in a diagonal parking space or park in any manner that occupies more than one (1) diagonal parking space.~~

(C) No mobile food vendor shall operate with the serving window facing street traffic^[RK1].

(D) A mobile food vendor shall abide by all parking regulations, including posted time limits. If there are no other time restrictions on the use of a legal parking space, a mobile food vendor shall not occupy a legal parking space for more than six (6) hours in a twenty-four (24) hour period. "Occupy" within this subsection means within one hundred (100) feet of the place in which the mobile food vendor was initially parked.

(E) A mobile food vendor shall not occupy a legal parking space with insufficient parking capacity as prescribed by Section 1-7-3 Parking Standards of the City code and applicable law, and includes occupying a legal parking space that reduces the number of available parking spaces surrounding the area which is required for the principal use or uses of the property associated with the parking spaces as set forth in A.R.S. Title 9, Chapter 4, Article 7.2. 7. A mobile food vendor shall not claim or attempt to establish any exclusive right to park at a particular street location, unless the parking space is part of a permitted special event.

§ 8-10-5 PERMIT REVOCATION AND APPEALS.

(A) A mobile food vendor ~~s-permit~~ City of Apache Junction business license shall be revoked by the city clerk's office for any of the following reasons:

(1) The licensee ~~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 [licensepermit](#);

(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 [licenses permits](#) may be reinstated only after the cause of such revocation has been fully corrected;

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

(D) [Applicants may appeal the denial or revocation of a permit to the City Manager or his/her designee in writing within five \(5\) calendar days. The City Manager or his/her designee shall issue a final written decision within ten \(10\) calendar days of receipt. The decision of the City Manager or his/her designee shall be final, subject only to judicial review pursuant to A.R.S. § 12-904 \(A\). 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, 8-1-4](#)~~Vol. I, Chapter 1: General, Article 1-1: General, § 1-1-11~~ Penalty.

[\(Ord. 1450, passed 9-19-2017\)](#)