

#2
DEC 07 2015

ORDINANCE NO. 4636

AN ORDINANCE AMENDING THE CHANDLER CITY CODE SECTIONS 20-1 AND 20-3, AND AMENDING THE CHANDLER CITY CODE BY ADDING A NEW CHAPTER 21, MOBILE FOOD UNITS, ALL RELATING TO CITY OF CHANDLER REGULATIONS SPECIFICALLY ENCOMPASSING THE LICENSING AND ALLOWABLE OPERATIONS OF MOBILE FOOD UNITS.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona that the Code of the City of Chandler, Arizona be amended as follows:

SECTION 1: Section 20-1 – Definitions, of the Chandler City Code Section 20-1 is deleted in its entirety and is hereby replaced by the following:

20-1. - Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section:

Conveyance shall include any public or privately owned vehicle, method or means of transporting goods or people, including but not limited to, bicycles, motorized or nonmotorized vehicles, handcarts, pushcarts, or any other devices or things used for the transportation of people or personal property, whether or not mounted on wheels.

Director shall mean the Management Services Director, or an employee so designated.

Goods, wares, or merchandise shall mean any item of tangible personal property or other thing of value, and shall include, but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, artwork, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks.

Sidewalk the word "sidewalk" whether paved or not, shall mean any portion of a public right-of-way between the curblines of a street and the adjacent property line, or if there is no curblines, then "sidewalk" shall mean that portion of a public right-of-way between the lateral boundary line of the pavement of a street and the adjacent property line, or, if there is no pavement, then "sidewalk" shall mean any portion of public right-of-way between the lateral boundary line of the demarcated unsurfaced street and the adjacent property line.

Sidewalk vending shall mean peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other thing of value that occurs upon a sidewalk of the City.

Street shall mean any public road, highway, avenue, boulevard, alley, and lane within the City.

Street vending shall mean peddling, vending, selling, or displaying or offering for sale any item of tangible personal property or other thing of value that occurs between the curblines, or if none,

then that portion of the right-of-way between the lateral boundary lines of the demarcated unsurfaced street.

Transient merchant shall be defined as an itinerant merchant, itinerant vendor, peddler, solicitor, canvasser or any person, whether a resident of this City or not, who:

- A. Engages in a temporary business of selling and delivering goods, wares, or merchandise either privately or at public auction;
- B. Travels, or whose agents travel, by foot or any type of conveyance from place to place, from house to house, or from street to street, or from business to business, carrying, conveying or transporting goods, wares, or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers;
- C. Without traveling from place to place, exhibits, displays, sells or offers for sale such products from a conveyance or from his/her person;
- D. While traveling from place to place, house to house or business to business takes or attempts to take orders for goods, wares, or merchandise for future delivery, or for services to be furnished or performed in the future, whether collecting advance payments on such sales or not; or
- E. Persons providing an amusement for a fee or donation.

The person or firm so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connection with, as part of, or in the name of any such local dealer, trader, merchant or auctioneer.

Transient merchant business shall mean any owner or operator of a business which directly or indirectly employs or directs any transient merchant, peddler or solicitor, including through a contractor or subcontractor relationship.

SECTION 2: Section 20-3 Exemptions from this Chapter is deleted in its entirety and hereby replaced by the following:

20-3. - Exemptions from this chapter.

A. The provisions of this chapter shall not apply to producers of agricultural products as defined in A.R.S. § 3-561, or to any members of the family or agents or persons in the service of the producer when the agricultural products are sold or disposed of on behalf of and for the benefit of the producer.

B. The terms of this chapter do not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newspaper carriers delivering and selling newspapers from house to house or business to business, students on school class projects, nor to acts of merchants or their employees in delivering goods in the regular course of business except that all such persons shall be subject to the provisions of Section 20-12. Nothing contained in this

chapter prohibits any sale required by statutes or by order of any court or prevents any person from conducting a bona fide auction sale pursuant to law.

C. The provisions of this chapter do not apply to persons selling or displaying products, services or merchandise at trade shows, however, they may be required to obtain a privilege tax license.

D. The provisions of this chapter shall not apply to participants at special events permitted through Chapter 32, Special Events, provided all of their activities are limited to the area of the event, however, they may be required to obtain a privilege tax license.

E. The provisions of this chapter shall not apply to businesses permitted under Chapter 21, Mobile Food Units.

SECTION 3: The Chandler City Code is amended to add a new Chapter 21 to read as follows:

The purpose of this Chapter is to define the regulatory permitting requirements for, and lawful operation of mobile food units.

21-1. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined shall be given their normal, ordinary meaning.

Applicant shall be defined as any person who submits an application to conduct a mobile food unit business pursuant to this article, including the person or authorized designee owning, operating, or conducting the mobile food unit to be licensed.

Authorized City Representative shall be defined as the Director, Director designee, code enforcement inspector, license inspector, police officer, park ranger, special event coordinator, or other City employee who has been given the responsibility of implementing or enforcing this Chapter as designated by the City Manager.

Catering shall be defined as a transaction where the exchange of money or contracted agreement for single payment takes place and the supply or delivery of food is the sole purpose of the activity at the establishment.

Corporate Plaza shall be defined as a cluster, complex, or campus style business establishment primarily designated for non-retail use.

Director shall be defined as the Management Services Director or designee.

Dust-free shall be defined as a property that is maintained dustfree by paving with one of the following methods: (1) asphaltic concrete, (2) portland cement concrete, (3) a penetration treatment of asphaltic material and a seal coat of asphaltic binder and mineral aggregate, or (4) the equivalent of the above as approved by the Transportation and Development Department.

Food shall be defined as any product sold for human consumption, prepackaged or prepared, of

which the sale is not prohibited by law.

Mobile Food Unit shall be defined as a food establishment designed to be readily movable from which food is composed, compounded, processed, or prepared and from which food is vended, sold, or given away. This definition shall include but not be limited to food establishments in operation from a vehicle, enclosed trailer, cart, or pushcart.

Mobile Conveyance Unit shall be defined as a subset of mobile food unit, and one, which moves quickly and readily from place to place, stopping only to complete a point of sale transaction. This definition shall include but not be limited to ice cream trucks or other food service trucks moving in a route type fashion, stopping for no longer than fifteen (15) minutes per stop.

Owner's Authorized Representative shall be defined as a person identified in writing by a private property owner as authorized to manage and supervise one or more real properties owned by said private property owner.

Person shall be defined as set forth in Chapter 1, Section 1-2.

Private Property Owner shall be defined as a person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of the Maricopa County Recorder's Office.

Promotional Event shall be defined as an event where the general public has been invited to attend by either the property owner or the mobile food unit, whether or not that invitation is via social media or by any other means.

Responsible Party shall be defined as a manager, owner, agent, supervisor, or individual designated by the owner, or any fiduciary or person with power of attorney or other person who is having charge of or who has direct responsibility for a mobile food unit while in operation.

School shall be defined as a privately or publicly owned place of learning that includes an elementary, middle, junior high, high school, college, or university.

Temporary shall mean not making exclusive use of a specific location by operating for longer than 6 hours during any 24 hour period.

Temporary Sales and Promotional Event shall be defined as a private property event held for a short duration and only on developed commercial property sites such as a temporary carnival/fair, trade show, temporary amusement event, vehicle display, outside sale, parking lot sale, tent sale, business promotion, or other short duration events that involve temporary sales.

21-2. - Permit required.

It shall be unlawful for any person operating a mobile food unit to engage in business within the corporate limits of the City of Chandler without first obtaining and maintaining in effect a permit in compliance with the provisions of this Chapter.

21-3. - Application for permit.

21-3.1. Any person desiring to obtain a permit required by this Chapter shall file an application with the Director on a form provided by the City and pay any fees established by the City Council by resolution. The person shall, at a minimum, provide the following information;

- A. Name and description of the applicant. If the applicant is a non-natural person (i.e., corporation), the name of the entity shall be set forth exactly as shown in its organizational documents. The applicant shall provide all of the information listed herein for each of its current officers, directors, members, or partners. The applicant shall designate one (1) of its officers or general partners to act as its responsible managing officer. Such designated person shall be included on the list of responsible parties as defined in subsection B. of this section.
- B. A complete list of responsible parties on a form provided by the City. Each responsible party on the list shall be required to provide all requested information and pay a fee established annually by the City Council by resolution for the purpose of a background check. An applicant shall not allow any of its responsible parties to operate until such person has been approved by the City.
- C. A sworn, notarized affidavit by a minor's parent(s) or guardian(s) if the applicant or responsible party is a minor, attesting that the minor has permission to operate upon meeting the provisions of this Chapter.
- D. A statement as to whether or not the applicant has been convicted of a felony or misdemeanor (except minor traffic violations), the nature of the offense and the punishment or penalty therefor, and the date and place where the offense occurred.
- E. The physical location where business records are kept.
- F. A brief description of the nature of the business and the type of food to be sold.
- G. An indication on the application if operating as a mobile food unit or mobile conveyance unit.
- H. If a licensed vehicle is used, a description of the vehicle along with the license plate number and state of registration.
- I. A color photograph that clearly identifies the mobile food unit or mobile conveyance unit.
- J. A current copy of the license or certificate issued by the regulatory agency governing food safety, if applicable.
- K. A copy of the fire inspection approval from the Chandler Fire, Health, and Medical

Department.

- L. Name of statutory agent if a corporation, statutory agent's mailing address, and statutory agent's physical location.

21-3.2. An applicant desiring to operate a mobile food unit on City-owned public property shall also be required to provide the following information:

- A. A copy of a Certificate of Insurance with liability limits of no less than \$1,000,000 naming the City of Chandler as additional insured. The certification of insurance shall have no less than: \$1,000,000 combined single limit per occurrence for bodily injury and property damage. The general aggregate limit shall be twice the required per occurrence limit.

21-3.3. The applicant shall, within ten (10) business days of changes to the information provided in the application, update the City with any changes or amendments on the prescribed application form. Prior to the activity by any substitute or additional responsible parties, the responsible parties list shall be updated and the applicable application, as set forth above must be approved.

21-3.4. Permit is Non-Transferable. No permit issued hereunder shall be transferrable between persons.

21-4. - Review of application and approval process.

Applications for all mobile food units shall be reviewed by the Director who shall approve or deny such applications based on the requirements listed in this Chapter or other applicable law.

- A. Upon receipt of a permit application, the Director shall refer the responsible parties list and applications to the Police Department for review.
- B. The Police Department shall, based upon such review, make a recommendation to the Director who shall, based on the criteria listed herein, determine whether the permit should be issued.
- C. The Director, after reviewing the information provided by the applicant and Police Department, can approve the application and issue a permit. The Director shall notify the applicant of the decision within 15 business days of receipt of all relevant information.
- D. A record of all permits issued shall be maintained by the Director for a period of two (2) years.

21-5. - Display of permits; permission to operate.

21-5.1. Every person to whom a mobile food unit permit is issued pursuant to this Chapter shall display such mobile food unit permit in a place that is visible by the public.

21-5.2. Every person operating a mobile food unit shall have in their possession; written authorization from the private property owner or owner's authorized representative to be at an allowable location as defined in this Chapter. If the person is operating under the provisions Section 21-12 (A) of this Chapter, they must be on the approved vendor list for the Special Event Permit for that location or the Temporary Sales and Promotional Event Permit for that location. All authorization documents shall be within the mobile food unit when in operation and presented by the responsible party when requested by an authorized City representative and must include the date or date range authorized to operate.

21-5.3. The name of the business must be clearly visible on the mobile food unit in such a way that an authorized City representative can clearly distinguish its identification. The business name shall match the application information provided to the Director.

21-6. - Denial of application, revocation of permit, suspension of permit; grounds; hearing; appeal.

21-6.1. A mobile food unit permit may be denied, suspended or revoked for any of the following reasons:

- A. An investigation reveals that the applicant, permittee, or responsible party falsified or misrepresented information on the application;
- B. Within the five (5) years immediately preceding the date of the submission of the application, any responsible party has been convicted of, or released from prison or jail for, a felony or misdemeanor offense involving fraud, deceit or misrepresentation, a sex offense, trafficking in controlled substances, or any violent acts against persons or property. The five (5) year period shall commence on the later of the date of conviction or release from jail or prison;
- C. Within the five (5) years immediately preceding the date of submission of the application, any responsible party has had a civil judgment imposed against him/her in a personal, corporate, partnership, or other capacity, for actions involving fraud, deceit or misrepresentation;
- D. The permittee allows an unapproved responsible party to operate within the City limits;
- E. The responsible party has conducted business in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public;
- F. The permittee or any responsible party operates after being notified by an authorized City representative to relocate the mobile food unit or that they are in violation of any other provision of this Code, Chapter, or Chapter 62, the Chandler Tax Code;
- G. The location of the mobile food unit, or its proposed location, would endanger the safety

and welfare of the vendors or their customers. For the purposes of this section, the judgment of an authorized City Representative shall be deemed conclusive as to whether a danger to the safety and welfare of the mobile food unit operators or their customers exists;

- H. The operation of the business activity is in conflict with any other City, State, or County regulation or law;

21-6.2. Denial; Revocation or suspension of permit.

- A. To deny a permit, the Director shall deliver or mail by certified mail to the applicant at the business address as shown by the permit application, a written notice that states the permit is denied. If a corporation, the Director shall deliver or mail by certified mail to the statutory agent at the agent's mailing address as shown on the application, a written notice that states the permit is denied. The notice shall list the grounds for the denial.
- B. To revoke or suspend a permit, the Director shall deliver or mail by certified mail to the business address as shown by the permit application, a written notice that states the permit is being revoked, or suspended within 10 calendar days from the date on which the notice is first mailed. If a corporation, the Director shall deliver or mail by certified mail to the statutory agent at the agent's mailing address as shown on the application, a written notice that states the permit is being revoked, or suspended within 10 calendar days from the date on which the notice is first mailed. The notice shall list the grounds for the revocation or suspension. A revoked permit shall be surrendered to the Director on demand unless a hearing in accordance with Sections 21-6.3 and Chapter 1-7 is requested by the permittee.

21-6.3. Hearing request.

- A. The permittee may request a hearing on such revocation, or suspension to the Hearing Officer by submitting to the City Clerk a written request within ten (10) calendar days after the date on which the notice of revocation or suspension is first mailed. The first date of notice shall be considered to be the first day the notice was hand delivered or the first day the notice was received. The permittee shall set forth with specificity the factual grounds for the appeal. Appeals will be heard in accordance with the provisions set forth in Chapter 1-7. The hearing shall take place within thirty (30) business days from the Director's receipt of request, however may be continued with reasonable cause for a reasonable period of time. The decision of the Hearing Officer shall be final.
- B. If a hearing is not requested within ten (10) days of the first date of notice, the revocation or suspension shall take effect on the eleventh calendar day. If a hearing is requested, the revocation or suspension, shall not take effect until after the hearing and date of notice of the Hearing Officer's final decision.
- C. Failure to appeal in writing within the prescribed time constitutes a waiver of the right

to appeal.

21-6.4. No person may be approved for a new mobile food unit permit within twelve (12) months of the denial, revocation, or suspension of any such permit to such applicant or responsible party, under this Chapter.

21-7. - Term of permit.

The term of the permit issued pursuant to this Chapter shall be one (1) calendar year.

21-8. - Fees.

21-8.1. Application fee. The application form shall be accompanied by the fee established by the City Council by resolution. The application fee is non-refundable.

21-8.2. Annual permit fee. The application shall be accompanied by an annual permit fee established by the City Council by resolution. The annual permit fee will be refunded if the permit is denied. The initial annual permit fee shall be prorated as follows:

| | |
|-----------------------|---------------------------|
| January 1—March 31 | 100% of annual permit fee |
| April 1—June 30 | 75% of annual permit fee |
| July 1—September 30 | 50% of annual permit fee |
| October 1—December 31 | 25% of annual permit fee |

21-8.3. Responsible party fee for background check. Each individual application for those listed as a responsible party shall be accompanied by a fee established by the City Council by resolution. The responsible party fee is non-refundable.

21-8.4. The Director shall issue a permit without charge upon completion of the requirements under this Chapter to any applicant that is recognized as a nonprofit under subsection 501(c) of the United States Internal Revenue Code.

21-9. - Renewal.

21-9.1. The annual permit shall be subject to renewal upon payment of the renewal permit fee established by the City Council by resolution and the Director's review of the updated permit application based on the requirements listed in this Chapter or other applicable law. Upon renewal of the permit, the applicant shall provide the following;

- A. An updated permit application, on a form provided by the City.
- B. An updated list of responsible parties, on a form provided by the City. If there are any

new responsible parties, the updated list shall be accompanied by the applicable fee established by the City Council by resolution and an application for each added responsible party.

- C. A current color photograph of the unit that clearly identifies the mobile food unit.
- D. A copy of the current fire inspection information.
- E. A copy of the current Insurance information if required by Section 21-3.2 for operation on City owned public property sales.

21-9.2. Any person who fails to renew a mobile food unit permit on or before the expiration date shall be in violation of this Chapter and shall pay the late renewal fee of 50% of the annual permit fee, in addition to the annual fee required to be paid upon renewal. Permittees who have not renewed their permit within sixty (60) days after expiration shall be required to complete these Code requirements as a new applicant.

21-10. - Location requirements.

21-10.1. Mobile food unit operations, not being conducted as mobile conveyance units, may only be conducted:

- A. On a dust-free private property location at a corporate plaza, school, church, or place of worship, when provided as an amenity to an existing function or activity. The mobile food unit shall be invited by the owner or owner's authorized representative of the corporate plaza, school, church, or place of worship for their own, or their employees or regular invitees' use and not for a promotional event inviting outside patronage.
- B. On a dust-free public property location with written permission from a public entity, or indicated on the approved Special Event Permit vendor participant list for that location.
- C. In the designated area of real property as defined specifically permitted in a Conditional Use Permit approved by the City Council pursuant to Chapter 35 for mobile food unit operation.

21-10.2. Street, sidewalk, building storefront vending:

- A. No street vending by a mobile food unit shall be allowed unless it is a mobile conveyance unit that operates by, moving quickly and readily from place to place stopping only to complete a point of sale transaction for no longer than fifteen (15) minutes per stop.
- B. No mobile food units, other than a mobile conveyance unit that is non-motorized may operate on the City's sidewalks. The mobile conveyance unit shall operate by, moving quickly and readily from place to place stopping only to complete a point of sale transaction for no longer than fifteen (15) minutes per stop.

- C. No mobile food units, other than non-motorized ones may operate at a building front. Mobile food units must be located immediately adjacent to an occupied commercial building front, whether freestanding or within a commercial retail center, and only within the envelope extending from one end of the building front to the other end, with such depth to still allow a minimum five-foot unobstructed walkway parallel to the building front wherein neither the mobile conveyance unit operator nor the customers occupy or obstruct any portion of a parking lot, parking stall, driving aisle, landscaped area, fire lane, or doorway entrance/exit.
- D. No building front vending shall be allowed by more than two (2) non-motorized mobile food units at a time per parcel.

21-10.3. Mobile food units, which are not operating as mobile conveyance units, may only be conducted as an amenity to existing uses in accordance with Subsection 21-10.1(A), a special event use on public property in accordance with Subsection 21-10.1(B), as a permanent use on private property in accordance with Subsection 21-10.1(C); or as a building front non-motorized mobile food unit in accordance with Subsection 21-10.2(C) and (D). Mobile conveyance units may only operate in accordance with Subsection 21-10.2(A) and (B).

21-11. Unlawful Operations.

It is unlawful for any person operating a mobile food unit to conduct business:

- A. In the designated Entertainment District in Downtown Chandler between Chandler Boulevard and Frye Road and Dakota Street and Delaware Street or as later modified by the City Council in a resolution so designating the Entertainment District.
- B. In any area where the activity might impede or inconvenience the public or be a danger to the public health, welfare, or safety as determined by an authorized City Representative.
- C. From the street side of the unit.
- D. In any public park or from a street or sidewalk adjacent to a public park from any unit or on foot unless written permission has been provided by the City.
- E. From a single family residential location.
- F. Mobile food unit operations shall not include catering.

21-12. - Enforcement of Chapter; record of permits issued and violations reported.

- A. It shall be the duty of any authorized City representative to enforce this Chapter. The Director shall maintain a record for each permit issued and record any reports of violations therein.
- B. The city, its officers and employees may enforce this Chapter by one or more lawful means,

including but not limited to, voluntary compliance, administrative and civil consent orders, injunctive action, and criminal enforcement. The city may also require restitution. In addition, the Director is hereby authorized to cause the immediate removal of any mobile food unit from any street or public place if said unit is found to be unsafe, defective, or a traffic hazard to the extent that it creates an immediate and emergency hazard to persons or property. Actual notice to the property owner or lessee shall not be required. The Director shall make a reasonable effort to notify the mobile food unit responsible party or property owner that the defective and unsafe mobile food unit must be removed or repaired immediately.

- C. All actual costs incurred by the Director in the removal of said mobile food unit shall be paid by the owner of the mobile food unit. Action for cost recovery may be brought by the City Attorney upon proper certification to him/her by the Director.
- D. One type of enforcement neither limits nor precludes the City from pursuing any other type of enforcement.
- E. The Director, City inspectors or Chandler Police may inspect properties or land to determine compliance with this Chapter.
- F. Building exteriors and unscreened land may be inspected at any time with or without the presence of the owner or occupant in conformance with legal requirements governing administrative inspections of buildings and land.

21-13. - Miscellaneous.

- A. If participating under the provisions of a Special Event Permit pursuant to Chapter 32, Special Events, any restrictions or requirements stipulated in this Chapter may be waived or modified by the Director.
- B. The applicant can operate between the hours of 6:00 a.m. and 10:30 p.m.
- C. Only a mobile conveyance unit may use microphones, amplified music, or sound as part of its mobile vending operation.
- D. The responsible party shall arrange for appropriate trash receptacles during operations and keep the area clean of debris, litter, and waste. The responsible party shall not use City trash receptacles to dispose of waste unless prior permission is granted.
- E. The responsible party shall be present at all times and be the designated individual to accept any notices or citations from any authorized City representative or Chandler Police Department personnel.
- F. The responsible party shall adhere to instruction or requests by an authorized City representative including but not limited to; moving the vehicle, turning off music, or adhering to any other provisions of this Chapter.

21-14. Penalty.

- A. Any person who violates, disobeys, omits, neglects, refuses to comply with, or who resists the enforcement of any provisions of this Chapter is guilty of a Class 1 misdemeanor as set forth in Chandler City Code Section 1-8 and may be punished as set forth therein. The Authorized City Representative will present investigation of potential violators/violations of this Chapter to the City Attorney office – Prosecutor’s Division for charges by long form complaint to the Chandler Municipal Court

- B. A Class 1 misdemeanor is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00), by imprisonment for a term not exceeding six (6) months, by probation for a term not exceeding three (3) years, or by any combination thereof. Notwithstanding the forgoing sentence, the sentence to pay a fine, imposed on an enterprise convicted of a Class 1 misdemeanor shall be an amount not more than twenty thousand dollars (\$20,000.00).

- C. A violation of this Chapter is in addition to any other violation of the City Code. Enforcement of a violation of this Chapter in no way limits enforcement of any other violation of the City Code or of state statutes.

INTRODUCED AND TENTATIVELY ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this 19th day of November, 2015.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 10th day of December 2015.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4636 was duly introduced

and tentatively adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 10th day of December, 2015, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY (rb)

MOBILE FOOD UNITS CURRENT VS. PROPOSED CITY CODE CHANGE CHART

Scenario: 1 owner and 3 employees

| CHAPTER 20 TRANSIENT MERCHANTS, PEDDLERS, CANVASSERS AND SOLICITORS | | CHAPTER 21 MOBILE FOOD UNIT | | |
|---|---|--|--|--|
| Current Requirements | Current Cost | Additional Notes | Proposed Requirements | Proposed Cost |
| Bond | \$1,000 Cash or Surety Bond | Intended to Offset Unpaid Taxes | No Bond Required | N/A |
| Peddler Company | \$50 Application (Sec. 20-5) \$100 Annual Permit (Sec. 20-10) No Fee for Non-Profits | Recommending a Reduction in Fees | Mobile Food Unit Company Application | \$50 Application (Sec. 21-9) \$50 Ann. Permit (Sec. 21-9) No Fee for Non-Profits |
| Peddler Individual (3 Employees) | \$50 Application Each Employee \$50 Annual Permit Each No Fee for Non-Profits \$350 Total Cost | Reducing Processes to Review Only Managers/Owners/Supervisors on Truck | N/A | N/A |
| Passport Photos for ID Badge | Must Provide | Eliminate | No ID Badge Required | N/A |
| Copy of Driver's License or Government Issued ID | Must Provide | Same | Copy of Driver's License or Government Issued ID | Must Provide (A.R.S. § 41-1080) |
| Fingerprints \$10 Each/ Background Check | \$40 (Sec. 20-5) | Eliminate | No Fingerprints Required/ Background for Responsible Party | \$10 (Sec. 21-9) No Fee for Non-Profits |
| Food Handlers Card | Must Provide | New County Regulations | Environmental Health Permit (Food Handlers Card) | N/A No Longer Issued by County |
| Privilege Tax License | \$50 (Sec. 20-7) | Same | Privilege Tax License (Sec. 21-7) | \$50 |
| Fire Inspection as Needed | No Fee | Same Requirement as for Special Events | Fire Inspection of Vehicle Before Operating on Public Property (Sec. 21-3) | No Fee |
| Total Cost | \$590 Plus Bond | | Total Cost | \$160 |
| Total Completion Time | 30-45 Days | | Total Completion Time | No More than 15 Days after all Paperwork Received |

Locations

| Current Allowable Locations | Proposed Allowable Locations and Requirements (Sec. 21-10) |
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| <ul style="list-style-type: none"> • Paved surface immediately adjacent to an occupied building within the envelope, <u>or</u> • Moving quickly and readily stopping no more than 15 minutes • No long term setup allowed • Allowed as part of a Special Event or Temporary Sales and Promotional Event (TSPE) | <ul style="list-style-type: none"> • Dustfree surface immediately adjacent to a commercial occupied building or storefront within the envelope (21-10.2 B and C) <ul style="list-style-type: none"> - No more than 2 non-motorized units per parcel - Permission from the property owner indicating time frame • Moving quickly and readily stopping no more than 15 minutes (21-10.2 A) <ul style="list-style-type: none"> - Private corporate plazas, schools or churches and City public property (21-10.1) - Private & Public: Must have written permission from the property owner(s) available in the mobile food unit indicating time frame allowed for that location - Private: Amenity to an existing function or activity for their own use, not for a promotional event inviting outside patronage • No exclusive rights to any location and temporary in nature (21.10.3) <ul style="list-style-type: none"> - No more than 6 hours during a 24 hour period • Must not be in violation of any other City Code • Cannot be located in the Entertainment District unless through a Special Event or Temporary Sales and Promotional Event (TSPE) permit. <p style="text-align: center;">City Code Chapter 32 Proposed Allowable Locations and Requirements</p> <p>If operating under Chapter 32, Special Events, the location requirements of Chapter 21 do not pertain to the mobile food unit. Chapter 32 regulates all Special Events and Temporary Sales and Promotional Events (TSPE), whether mobile food units are involved or not. Terms of Permits:</p> <ul style="list-style-type: none"> • Private Property Requires a <i>TSPE Permit</i> <ul style="list-style-type: none"> - Not more than 6 hours in one day and not more than 4 consecutive days - Applicant <i>required</i> to notify adjacent businesses and property owner(s) of proposed event if mobile food units will be utilized - Applicant <i>may be required</i> to obtain written permission of adjacent businesses and property owner(s) of proposed event, but <ul style="list-style-type: none"> - If located in <u>Retail Center or Plaza</u>, must have written permission of adjacent businesses and property owner(s) if: <ul style="list-style-type: none"> ○ More than 1 event day of mobile food unit involvement ○ More than 2 mobile food units involved ○ Event is to be held on a reoccurring basis with mobile food units involved - Adjacent defined as properties around retail plaza and within 300 ft of property line - Permit is issued once within a 30 day period for the location/applicant - Permit reviewed and approved by TSPE Event Committee • Public property Civic Event Requires a <i>Special Event Permit (SPE)</i> <ul style="list-style-type: none"> - Weekly/Monthly/Quarterly for a maximum of 6 hours - One-time or annual events, up to 12 hours, no more than 7 days - Multiple day events hours of operation can vary - Permit reviewed and approved by Special Event Committee |