

ORDINANCE NO. 4839

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THE DOCUMENT KNOWN AS "AMENDMENTS TO CHANDLER CITY CODE, CHAPTER 21, MOBILE FOOD UNITS," A PUBLIC RECORD; AMENDING THE CODE OF THE CITY OF CHANDLER, CHAPTER 21, MOBILE FOOD UNITS, BY AMENDING REGULATIONS OF MOBILE FOOD UNITS BY REMOVING CITY PERMITTING REQUIREMENTS AND AMENDING OTHER REGULATIONS IN COMPLIANCE WITH ARIZONA STATE LAW; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the City desires to enact reasonable regulation for mobile food units, their employees, agents, lessees or independent contractors by requiring adherence to standards of cleanliness, quality and security; and

WHEREAS, in 2018, the Arizona Legislature adopted House Bill 2371 limiting City regulation of mobile food units to maintain private property rights and create standards across cities; and

WHEREAS, the Chandler City Code regulations of mobile food units ordinance must be amended to be consistent with State law and best practices.

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

Section 1. That certain document known as the "Amendments to Chandler City Code Chapter 21, Mobile Food Units," one paper copy and one electronic copy of which shall remain on file in the office of the City Clerk, is hereby declared to be a public record.

Section 2. That the Chandler City Code Chapter 21, Mobile Food Units, is hereby amended by adoption of "Amendments to Chandler City Code, Chapter 21, Mobile Food Units," said document having been declared a public record.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

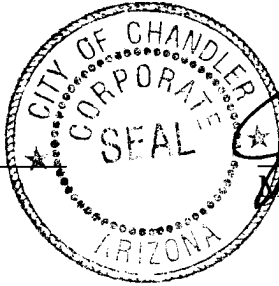
Section 5. Providing for Penalties.

A violation of this ordinance shall be a civil infraction subject to the enforcement and penalty provisions set forth in Section 1-8 of the Chandler City Code.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 8th day of November, 2018.

ATTEST:

Dana R. DeLy
CITY CLERK

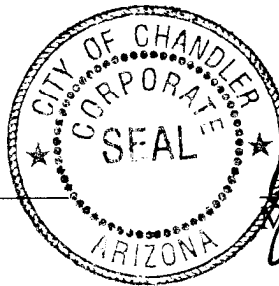


Ray Libbey
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 10th day of December, 2018.

ATTEST:

Dana R. DeLy
CITY CLERK



Ray Libbey
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4839 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 10th day of December, 2018, and that a quorum was present thereat.

Dana R. DeLy
CITY CLERK

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

PUBLISHED in the Arizona Republic on December 21, and December 28, 2018.

“Amendments to Chandler City Code, Chapter 21 Mobile Food Units”

{Public Record for Ordinance No. 4839}

Chapter 21 - MOBILE FOOD UNITS

21-1. PURPOSE

THIS CHAPTER IS ADOPTED TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF CHANDLER AND OF THOSE WORKING WITHIN THE CITY BY ENACTING REASONABLE REGULATION FOR MOBILE FOOD UNITS, THEIR EMPLOYEES, AGENTS, LESSEES OR INDEPENDENT CONTRACTORS BY REQUIRING ADHERENCE TO MINIMUM STANDARDS OF CLEANLINESS, QUALITY AND SECURITY.

21-2. - 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 dust-free 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 ~~designated City Engineer~~ DEVELOPMENT SERVICES 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 six (6) hours during any twenty four (24) hour period.~~

Special Event. ANY EVENT CONDUCTED ON PUBLIC PROPERTY SUCH AS A FAIR, PARADE, MARCH, PROCESSION, FESTIVAL, STREET DANCE, CIRCUS, CARNIVAL, CONCERT, PERFORMANCE, RODEO, RACE, OR OTHER TEMPORARY ACTIVITY USING OUTDOOR SPACES OR REQUESTING AN EXTENSION OF PREMISES AND INVITING AND/OR ADVERTISING GENERAL PUBLIC PARTICIPATION AND PATRONAGE (WITH OR WITHOUT CHARGE) OR CIVIC EVENTS. SPECIAL EVENTS DO NOT INCLUDE PRIVATE BLOCK PARTIES, PRIVATE PROPERTY EVENTS, OR OTHER EVENTS TO WHICH THE GENERAL PUBLIC IS NOT INVITED OR ALLOWED TO PARTICIPATE.

Temporary Sales and Promotional Event shall be defined as AN EVENT OR COMBINATION OF EVENTS IN WHICH THE GENERAL PUBLIC IS INVITED OR ALLOWED TO PARTICIPATE THAT DOES NOT EXCEED FORTY-EIGHT (48) CALENDAR DAYS IN ANY CALENDAR YEAR USING PRIVATE PROPERTY TO DISPLAY AND SELL

MERCHANDISE CUSTOMARILY SOLD IN A STORE ON THE PREMISES OR ANY ACTIVITY INVOLVING SELLING OR PROMOTING AN EVENT, PRODUCT, MERCHANDISE, FOOD AND BEVERAGES, OR OTHER PROMOTION INCLUDING, BUT NOT LIMITED TO GRAND OPENINGS, CHANGE OF BUSINESS OWNERSHIP, BUSINESS ANNIVERSARIES, SEASONAL SALES EVENTS SUCH AS FIREWORKS, PUMPKIN, OR CHRISTMAS TREE LOTS, AND OTHER EVENTS ON PRIVATE NONRESIDENTIAL PROPERTY ~~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.~~

21-23. – ~~Permit~~ LICENSE 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 LICENSE ~~permit~~ in compliance with the provisions of ARIZONA REVISED STATUTES TITLE 36, CHAPTER 15, MOBILE FOOD VENDORS AND MOBILE FOOD UNITS AND MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE CHAPTER 8, SECTION 3 ~~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.~~

~~21-3.24. An applicant desiring to operate a mobile food unit on City-owned public property shall also be required to provide the following information~~ A BUSINESS DESIRING TO OPERATE A MOBILE FOOD UNIT ON CITY-OWNED PUBLIC PROPERTY SHALL BE REQUIRED TO HAVE ON THEIR POSSESSION:

- A. A copy of a Certificate of Insurance with liability limits of no less than one million dollars (\$1,000,000.00) naming the City of Chandler as additional insured. The certification of insurance shall have no less than one million dollars (\$1,000,000.00) combined single limit per occurrence for bodily injury and property damage. The general aggregate limit shall be twice the required per occurrence limit.
- B. EVIDENCE OF PASSING A FIRE INSPECTION BY THIS OR ANOTHER CITY, TOWN OR FIRE DISTRICT IN THIS STATE WITHIN THE PRECEDING TWELVE MONTHS.

~~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 fifteen (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.~~

~~21-5.21. Every person operating a mobile food unit shall have in their possession; written authorization TO UTILIZE THEIR CURRENT LOCATION 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)-21-6.1 (C) 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.~~

~~21-5.3-2. 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 ten (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 ten (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.~~

(Ord. No. 4636, § 3, 12-7-15)

~~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.~~

21-106. - Location requirements.

~~21-10.6.1. Mobile food unit operations, not being conducted as mobile conveyance units, may only be conducted:~~

~~A. On a dust-free private OR PUBLIC PROPERTY WITH PERMISSION OF THE PROPERTY OWNER, INCLUDING NON-RIGHT OF WAY CITY OWNED PARKING LOTS AND STALLS. 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. WITHIN A RIGHT OF WAY LEGAL PARKING SPACE 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. AS PART OF A SPECIAL EVENT, TEMPORARY SALES AND PROMOTIONAL EVENT, OR APPROVED BLOCK PARTY, PURSUANT TO CHAPTER 32.~~

D. In the designated area of real property as defined AND specifically permitted in a Conditional Use Permit approved by the City Council pursuant to Chapter 35 for mobile food unit operation.

~~21-10.6.2.~~ 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 OPERATING AT A BUILDING'S FRONT must be located immediately adjacent to an occupied commercial building—~~front~~, whether freestanding or within a commercial retail center, and only within the BUILDING 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).~~

21-117. - 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.~~

~~AB. 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.~~

~~BC. From the street side of the unit.~~

~~CD. 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.~~

DE. WITHIN AN AREA ZONED FOR RESIDENTIAL USE, EXCEPT FOR CATERING ACTIVITIES, MOBILE CONVEYANCES OR APPROVED BLOCK PARTIES ~~From a single family residential location.~~

EF. IN SUCH A WAY AS TO CLAIM OR ATTEMPT TO ESTABLISH ANY EXCLUSIVE RIGHT TO PARK AT A PARTICULAR LOCATION ~~Mobile food unit operations shall not include catering.~~

F. WITHOUT FOLLOWING THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT DURING OPERATIONS.

G. IN NON-COMPLIANCE WITH CITY CODE SECTIONS ADDRESSING NOISE, PARKING, FIRE RESTRICTIONS, LATE NIGHT OPERATIONS, OR ANY OTHER CODE SECTION RESTRICTING SPECIFIC ACTIVITIES.

H. ADJACENT TO A SPECIAL EVENT BOUNDARY.

21-128. - 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.

21-139. - 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.~~ THE MOBILE FOOD UNIT SHALL ARRANGE FOR APPROPRIATE TRASH RECEPTACLES DURING OPERATIONS AND KEEP THE AREA CLEAN OF DEBRIS, LITTER AND WASTE. THE MOBILE FOOD UNIT SHALL NOT USE CITY TRASH RECEPTACLES TO DISPOSE OF WASTE UNLESS PRIOR PERMISSION IS GRANTED.

~~C. Only a mobile conveyance unit may use microphones, amplified music, or sound as part of its mobile vending operation.~~ THE MOBILE FOOD UNIT SHALL HAVE ADEQUATE LIGHTING TO ENSURE CUSTOMER SAFETY. LIGHTING SHALL BE DIRECTED DOWNWARDS AND AWAY FROM PUBLIC STREETS AND ADJACENT PROPERTIES.

~~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.~~

~~FE. The MOBILE FOOD UNIT 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.~~

21-4410. – Penalty FOR VIOLATION OF CHAPTER.

~~A. Any person who violates, disobeys, omits, neglects, refuses to comply with, or who resists the enforcement of any provisions of this Chapter may be deemed, upon citation by the Chandler Police Department thereof, guilty of a Class 1 misdemeanor as set forth in Chandler City Code Section 1-8 and may be punished as set forth in Chandler City Code Chapter 1.~~

~~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.~~

ANY VIOLATION OF THIS CHAPTER MAY RESULT IN THE ISSUANCE OF A CIVIL CITATION PUNISHABLE AS SET FORTH IN SECTION 1-8.7A OF CHAPTER 1 OF THIS CODE UNLESS SUCH VIOLATION CAUSES SUCH PERSON TO MEET THE DEFINITION OF A "HABITUAL OFFENDER" SET FORTH IN SECTION 1-8.7B OF

CHAPTER 1 OF THIS CODE IN WHICH CASE THEY SHALL BE GUILTY OF A CRIMINAL MISDEMEANOR PUNISHABLE AS SET FORTH IN SECTION 1-8.3 OF CHAPTER 1 OF THIS CODE.