

ORDINANCE NUMBER 609

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING TITLE 5, BUSINESS TAXES, LICENSES AND REGULATIONS, OF THE COTTONWOOD MUNICIPAL CODE, BY DELETING CHAPTER 5.17, STREET VENDORS, IN ITS ENTIRETY AND ADDING A NEW CHAPTER 5.17, MOBILE FOOD VENDORS.

WHEREAS, the City Council finds it necessary and appropriate to provide for the possibility of allowing mobile food vending operators within the City of Cottonwood; and

WHEREAS, the City Council has determined that the following changes to the City's Municipal Code are appropriate and desirable.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That Chapter 5.17, Street Vendors, under Title 5, Business Taxes, Licenses and Regulation, of the Cottonwood Municipal Code be deleted in its entirety, and a new Chapter 5.17, Mobile Food Vendors, be added as follows:

Chapter 5.17 Mobile Food Vendors

- 5.17.010 Definition
- 5.17.020 Restrictions
- 5.17.030 Prohibitions
- 5.17.040 Insurance Requirement
- 5.14.050 Application for Vendors Permit
- 5.17.060 Registration Renewal
- 5.17.070 Lost Registration
- 5.17.080 Registration Termination
- 5.17.090 Registration Non-Transferable
- 5.17.100 Health/Sanitation Certification
- 5.17.110 Registration Posting
- 5.17.120 Registration Denial/Revocation
- 5.17.130 Appeal

5.17.010 Definition. Mobile Food Vendor means and refers to a vehicle-mounted, trailered or push cart style food service establishment designated 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 also include mobile ice cream trucks.

5.17.020 Restrictions. A. Vending operations shall be limited to sale of food items for immediate consumption.

B. Vending operations shall only be conducted from a vehicle, mobile food unit, ice cream truck or pushcart that is in good working order, both aesthetically and operationally, and has been inspected and approved by the county health department.

5.17.030. Prohibitions. Vehicles, mobile food units and pushcarts shall not:

A. Be parked or placed within 25 feet of the entrance or exit to any building without the written consent of the affected business owner.

B. Be parked or placed within 25 feet of any intersection.

C. Be permitted a permanent or proprietary location on city property.

D. Be parked or placed in any area that might impede or inconvenience the public.

E. Be parked or placed on city owned property or rights of way without written permission and an encroachment permit, if applicable

F. Be parked or placed within a city park other than the sidewalk or other area designated by parks and recreation management.

5.17.040 Insurance Requirement. Each person operating a mobile vending business shall provide the city with a certificate of insurance and endorsement evidencing general and products liability coverage. If the mobile vending business is operated on City of Cottonwood rights of way or property the city shall also be named as an additional insured. Such insurance shall not be cancelable except on 30 days' notice to the city and shall be in a form as approved by the city risk management division. Additionally, each person shall sign an indemnification agreement with the city in a form as approved by the city attorney.

5.14.050. Application for Vendors Permit. Applicants required to register under this Chapter shall file an application with the Administrative Services Department on a form to be furnished by the City which shall give the following information:

A. Name, address and contact information for the applicant and each of the applicant's agents engaged in such activity;

B. Location, neighborhood or area where proposed activity will be conducted and sales will be offered or made;

C. A brief description of the activity, including the number of people engaged in such activity both directly and indirectly, vehicles and equipment involved, and a description of the goods or merchandise to be offered and any services to be performed;

D. A description of all vehicles, carts, trailers and conveyances, including make and model, and license plate numbers, vehicle description and color to be used in activities;

E. The date, time, and length of time for which the activity is proposed;

F. At the time of filing the application, all required fees shall be paid;

G. If the applicant for a mobile food vendor permit has a current business registration for a food service establishment, the application must be completed but the fee will be waived.

5.17.060. Registration Renewal. All registrations are renewable by December 31. Renewal notices will be sent out on or before November 15. Payment must be received by December 31 or 45 days after the renewal notice is mailed out, whichever is later. After that date, a late fee will be added to the registration fee and the registration will be suspended. To activate a suspended registration all fees must be paid in full and an additional processing fee will be required. Registrations shall not be renewed until all outstanding civil or criminal fines levied against the business or business owner have been paid in full.

5.17.070. Lost Registration. Any person who loses their registration is required to obtain a replacement registration. The Administrative Services Department will review the record and verify that the person has no outstanding balance and that the registration is for the same business at the same location as the original. A processing fee shall be assessed by the Administrative Services Department for a replacement registration. Such fee shall be as established by resolution.

5.17.080. Registration Termination. Every person having a registration shall notify the Administrative Services Department in writing of the termination of the business either before the termination date or within ten days thereafter. Failure to notify may result in the registration remaining active and the person remaining liable for all applicable fees and penalties.

5.17.090. Registration Non-Transferable. All registrations issued under this article are nontransferable and non-assignable.

5.17.100. Health/Sanitation Certification. If a business is subject to a certificate of health or sanitary examination, the person applying for the registration must produce such certificate or permit from the Yavapai County Health Department, as required by state law, prior to approval of their registration.

5.17.110. Registration Posting. Registrations shall be openly posted and exhibited while in force, in some conspicuous part of such place of business. Every person having a registration and not having a fixed place of business shall carry the license at all times while carrying on the business for which the registration was granted.

5.17.120. Registration Denial/Revocation. A person may be denied a registration, or if the person currently possesses a registration, such registration may be revoked at the city's discretion.

5.17.130. Appeal. A person may request a hearing for denial/revocation of a registration as follows:

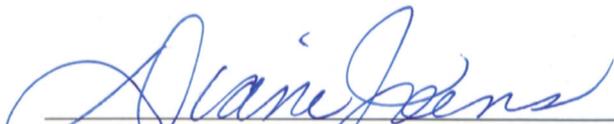
A. Notice of the registration revocation hearing shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, certified mail, to the business address shown on the application for registration at least ten days prior to the date set for hearing.

B. Any person aggrieved by the denial of an application for registration, or with the decision to revoke the registration, shall have the right of appeal to the City Manager or designated representative. Such appeal shall be submitted by filing with the City Clerk a written statement setting forth the grounds for the appeal within 14 days after notice of the action. The City Manager or designated representative shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as provided for above. The decision of the City Manager or designated representative in such appeal shall be final and conclusive, except any person aggrieved may pursue any proper judicial proceedings.

C. A person can petition to have their registration reinstated after all violations have been corrected and all applicable fees have been paid; provided, such person meets the qualifications of this article required for issuance. Until such reinstatement, it is unlawful to conduct the business.

Section 2. That if any section, subsection, 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 provisions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 17TH DAY OF MARCH 2015.



Diane Joens, Mayor

APPROVED AS TO FORM:



Steven B. Horton, Esq.
City Attorney

ATTEST:



Marianne Jiménez, City Clerk