



Mobile Vending & Mobile Food Vending

<u>License</u>	<u>Application Fee</u>	<u>Permit Fee 1st Year License</u>	<u>Annual Renewal</u>	<u>Approval Required</u>
Mobile Vending	\$350.00	\$30.00	\$30.00	Police & NSD
Mobile Food Vending	\$350.00	\$30.00	\$30.00	Police & NSD

Application fees are not refundable and cannot be applied to license fees. (Ordinance G-2197, 5/19/81)

For your convenience, we suggest that you make an appointment prior to visiting License Services. Call (602) 262-4638 between 8 a.m. and 5 p.m. Monday - Friday. The approval process takes approximately 90 days.

ARTICLE XIV. MOBILE VENDING

Sec. 10-160. Definitions.

In this article, unless the context otherwise requires:

- (1) *Applicant* means any person who desires to conduct a mobile vending operation on a parcel of private land and who submits an application pursuant to this article, including the person owning, operating and/or conducting the activity to be licensed.
- (2) *City Clerk* means the City Clerk of the City of Phoenix or her designee.
- (3) *Designated agent* means the person designated by the applicant or licensee to receive notices authorized by this ordinance on behalf of the applicant or licensee.
- (4) *Disposable tableware* means eating and drinking utensils made of paper and/or plastic that are disposed of after initial use.
- (5) *Dwelling* means any building with one or more rooms which are arranged, designed, or used for residential purposes and that contain independent sanitary and cooking facilities. The presence of cooking facilities conclusively establishes that the building is a dwelling.
- (6) *Food* means any products sold for human consumption, the sale of which is not prohibited by law.
- (7) *Goods, wares or merchandise* means any item of tangible personal property or other thing of value, excluding: motor vehicles of any description; large household appliances, such as refrigerators, stoves, dishwashers, washers and dryers; and food or seasonal items, such as Christmas trees or pumpkins, that are sold prior to holidays or traditional observances, such as Christmas or Halloween.
- (8) *Licensee* means an applicant who has obtained a license pursuant to this article to conduct a mobile vending operation on private property.
- (9) *Manager* means the individual, who may be the licensee, who is principally in charge of the mobile vending operation and who is authorized to act on behalf of the licensee.
- (10) *Mobile food vending unit* means any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which only food is peddled, vended, sold, served, displayed, offered for sale or given away.
- (11) *Mobile food vendor* means a person who sells, serves, offers for sale, or gives away only food from a mobile food vending unit parked or located on a private parcel of property. This term does not include a person who operates a mobile food vending unit that visits multiple private property sites on a daily basis for no more than thirty minutes per site per day.

- (12) *Mobile vending operation* means peddling, vending, selling, serving, displaying, offering for sale or giving away goods, wares or merchandise or food from either a mobile vending unit or a mobile food vending unit located on private property.
- (13) *Mobile vending unit* means any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which any goods, wares, or merchandise other than food are peddled, vended, sold, served, displayed, offered for sale or given away. This includes any display consisting solely of the goods, wares or merchandise being peddled, sold, served, displayed or offered for sale.
- (14) *Mobile vendor* means a person who peddles, vends, sells, serves, displays, offers to sell or gives away goods, wares, or merchandise from a mobile vending unit which is parked or located on a parcel of private property. This term does not include a mobile vending unit that visits multiple private property sites on a daily basis for no more than thirty minutes per site per day.
- (15) *Notarized permission form* means any document containing, at a minimum, the following: notarized signature of property owner or authorized agent; notarized signature of mobile vendor; property address or Maricopa County parcel number; term of authorized use; nature of authorized use; and date of execution.
- (16) *Operate* means all of the functions set forth in the definition of mobile vending operation.
- (17) *Person* means a corporation, firm, partnership, association, organization, [or] limited liability company, as well as an individual.
- (18) *Pushcart* means a non-self-propelled vehicle designed to be readily moveable from which goods, wares or merchandise or food are sold.
- (19) *School* means a privately or publicly owned place of learning that includes elementary, middle or junior and high schools.
- (20) *Semi-permanent structure* means a structure that is built, or constructed, such as a building, walls or fence, benches, awnings or shade structures or any piece of work artificially built up or composed of parts joined together in some definite manner, which is attached or anchored to the ground and which is designed for the purpose of being disassembled, folded up, or portable.
- (21) *Site* as used in subsection 10-166(B)(1) means the property address or Maricopa County parcel number of the land where the mobile vending unit or mobile food vending unit will be located, which is required to be submitted to the City Clerk pursuant to subsection 10-163(11).
- (22) *Structure* means as defined in Section 202 of the City of Phoenix Zoning Ordinance.
- (23) *Utensil* means any implement used in the storage, preparation, transportation or service of food.

Sec. 10-161. Mobile vending on private property; mobile vendor license required; manager for each site required; designated agent required; name used; display of privilege license tax number required.

- A. No person shall engage in a mobile vending operation, or employ or hire another to engage in a mobile vending operation, without possessing a valid license therefor as provided in this article.
- B. A separate license is required for each mobile vending operation location.
- C. Every mobile vending operation shall be managed by a manager. An individual, including an owner, shall manage no more than one mobile vending operation.
- D. Every licensee shall have a designated agent, who shall be an individual who resides in the City of Phoenix on a permanent basis.
- E. No licensee shall operate under a name that has not been provided to the City Clerk on a form prescribed by the City Clerk for that information.
- F. The privilege license tax number of the mobile vendor must be affixed to the mobile vending unit or mobile food vending unit in numbers at least four inches in height and in a location that is easily viewable by any patron.

Sec. 10-162. Application fee; license fee; duration; renewal.

- A. All applicants shall pay a nonrefundable application fee of three hundred fifty dollars.
- B. A license fee of thirty dollars per calendar year shall be charged for a mobile vendor or mobile food vendor license.
- C. All license fees provided for herein shall be prorated to the nearest month, provided that the minimum license fee shall be ten dollars.
- D. Any license issued pursuant to this article shall, unless otherwise provided for herein, expire and become null and void at the end of the calendar year in which the license is issued.
- E. The annual renewal of any license provided for in this article shall be made by payment of the appropriate fee as set forth in this section within thirty calendar days prior to the expiration of the license.
- F. In addition to the fee required by subsection A, the applicant shall pay the City Clerk the fee established by the Director of the Arizona Department of Public Safety for the processing of state noncriminal justice fingerprints. This fee shall be paid for each person, after the first, required to submit fingerprints pursuant to Section 10-163(A).

Sec. 10-163. License applications; display; transfer; information update.

- A. An applicant for a license shall file in person at the office of the City Clerk an application form as prescribed and provided by the City Clerk. The application form shall require the following information:
 - 1. The full true name and any other names used in the preceding five years.
 - 2. Current residence and telephone number.
 - 3. Residence addresses for the previous three years and dates at each.
 - 4. Mailing address for receipt of City notices.
 - 5. Place and date of birth.
 - 6. Height, weight, and color of hair and eyes.
 - 7. Valid proof of age in the form of a current driver's license with picture, or other valid current identification document with photo issued by a governmental agency.
 - 8. Driver's license number, if any.
 - 9. The full true name, residence address, home telephone number, and driver's license number, if any, of the designated agent.
 - 10. The full true name, residence address, home telephone number, and driver's license number, if any, of the manager.
 - 11. The property address or Maricopa County parcel number of the site where the mobile vending unit will be located, the full true name of the property owner of the site, [and] the property owner's mailing address and telephone number.
 - 12. A true and complete copy of the Maricopa County Department of Environmental Services permit required for a mobile vending operation if food items are to be sold.
 - 13. Proof of authority to occupy the site for a mobile vending operation on the date of application, in two forms:
 - (a) A deed showing that the applicant is the owner of the site, or a copy of the current lease or notarized permission form from the property owner or agent for the location covered by the license showing that the applicant has been given permission to occupy the site for a mobile vending operation.

(b) Proof of the length of time the applicant has occupied the site listed on the current lease or notarized permission form.

14. The previous name and location of the mobile vending operation, if any.
 15. The former owner of the mobile vending operation, if any.
 16. The name under which the mobile vendor or mobile food vendor will be doing business.
 17. A brief description of the nature of the mobile vending operation and the items to be sold, including whether the applicant will be selling food products.
 18. A description of all vehicles to be used in the mobile vending operation, including the Arizona license plate number(s) and a true and complete copy of the current Arizona vehicle registration(s).
 19. All felony and misdemeanor convictions of the applicant for the previous five years.
 20. All notices or citations to the applicant for a violation of this article for the previous five years.
 21. All notices or citations to the applicant for a violation of the Zoning Ordinance for the previous five years.
 22. Whether the applicant has ever had a mobile vendor license revoked or suspended, including the date and issuing authority for the suspension or revocation.
 23. One complete set of fingerprints taken by a law enforcement agency.
 24. Two identical, portrait, passport-quality photographs of the applicant, approximately two inches by two inches in size, taken within the preceding month.
 25. The number of the privilege license issued to the applicant pursuant to chapter 14 of this Code, if a privilege license is required by this Code.
 26. A plot plan showing compliance with all Zoning Ordinance requirements for mobile vendors, and with any distance requirements of this article.
- B. The license issued to the mobile vendor or mobile food vendor by the City Clerk shall be prominently displayed on the mobile vending unit or mobile food vending unit and shall be produced upon request of any law enforcement officer of this State, City of Phoenix license inspector or inspector of the City Neighborhood Services Department. In the case of a mobile food vendor, the food manager certificate issued by Maricopa County shall also be prominently displayed on the mobile vending unit.
- C. The mobile vendor license number issued pursuant to this article shall be affixed to the mobile vending unit or mobile food vending unit in numbers at least four inches in height and be easily visible to patrons.
- D. A license issued pursuant to this article shall not be transferable from one person to another, but may be transferred from one private property location to another private property location provided that the licensee shall submit such information as the City Clerk shall require on a form provided by the Clerk prior to the change of location by the licensee and further provided that all of the requirements of this article are met prior to the change of location. A nonrefundable fee of ninety-five dollars shall be paid with each application for a change of location.
- E. Any change in the information required to be submitted by subsection 10-163(a) of this article shall be provided to the City Clerk, on a form provided by the City Clerk for that purpose, within ten calendar days of the change.
- F. A licensee who desires to renew any license provided for in this article shall submit such information as the City Clerk shall require on a form provided by the Clerk. A request for renewal shall comply with the provisions of subsection 10-162(E).
- G. Noncompliance with the information depicted on the plot plan submitted pursuant to subsection 10-163(A)(27) is a violation of this ordinance.
- H. The City Clerk is authorized to receive criminal history record information for the purpose of evaluating the fitness of applicants for a mobile vending license.

Sec. 10-163.01. Application; additional requirements.

- A. No license shall be issued to an individual if the individual does not present any of the following documents to the City Clerk indicating that the individual's presence in the United States is authorized under Federal Law:
1. An Arizona driver license issued after 1996 or an Arizona nonoperating identification license.
 2. A driver license issued by a state that verifies lawful presence in the United States.
 3. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
 4. A United States certificate of birth abroad.
 5. A United States passport.
 6. A foreign passport with a United States Visa.
 7. An I-94 Form with a photograph.
 8. A United States citizenship and immigration services employment authorization document or refugee travel document.
 9. A United States certificate of naturalization.
 10. A United States certificate of citizenship.
 11. A tribal certificate of Indian blood
 12. A tribal or Bureau of Indian Affairs Affidavit of Birth.
- B. This section does not apply to an individual, if all of the following apply:
1. The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country.
 2. The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits.

Sec. 10-164. License revocation, suspension, denial; procedure; appeal.

- A. Applications for licenses issued pursuant to this article shall be denied by the City Clerk for any of the following reasons:
1. Fraud, misrepresentation, or false statement contained in the application for license.
 2. Any violation of the provisions of this article or the City of Phoenix Zoning Ordinance regulating mobile vendors within one year prior to the date of application; or any violation of any of the spacing or land use requirements of the Zoning Ordinance regulating mobile vending operations.
 3. The applicant has been convicted within the previous five years of any felony, or misdemeanor involving moral turpitude.
 4. The applicant or manager has had a vendor license issued by the City revoked or suspended within the previous year.
 5. The applicant has knowingly employed or hired a manager in connection with the applicant's mobile vending business who has had a vendor license suspended or revoked within the previous year.
 6. The applicant is not eighteen years of age.
 7. The application does not conform in all respects to the provisions of Sections 10-162, 10-163, and 10-163.01 of this Article.
- B. Any license issued pursuant to this article shall be revoked by the City Clerk, or suspended for a period not to exceed one year, upon one or more of the following grounds:

1. The licensee, or manager of the licensee, has violated a provision of this article or a provision of the City of Phoenix Zoning Ordinance regulating mobile vending operations.
 2. The licensee, or manager of the licensee, has been convicted of a felony or misdemeanor in the conduct of the business licensed pursuant to this article.
 3. A manager of the licensee has had a vendor license issued by the City revoked or suspended within the previous year.
- C. In determining the appropriate administrative sanction, the City Clerk shall consider the following factors as may be applicable: nature and timing of prior warnings given; date(s) of violation; previous violations; duration of licensure; investment in business; circumstances of the violation or conviction, including their relation to the regulatory purpose of the licensing scheme; punishment imposed for previous violations or convictions; cooperation with licensing officials and law enforcement personnel; knowledge of the requirements of this article; and other aggravating or mitigating circumstances directly relating to the violation or conviction.
- D. If the City Clerk determines that an application should be denied or that a license should be revoked or suspended, she shall notify the applicant or licensee of that decision in writing and shall include a summary of the grounds therefor. The notification to the applicant or licensee shall be by certified mail to the most recent mailing address as reflected in the records of the City Clerk and by certified mail to the designated agent at the designated agent's most recent residence address in the records of the City Clerk; or by personal service on the applicant or the licensee, or on the manager of the licensee if the manager is present at the mobile vending operation. Service by mail is complete upon mailing.
- E. An applicant or licensee may appeal to the License Appeal Board the denial, suspension or revocation by filing a written notice of appeal with the City Clerk within ten City working days after service of the notice of denial, suspension or revocation. The tenth day shall end at 5:00 p.m. MST. Any letters or requests for appeal submitted after the time limit shall not be heard. The hearing shall be a de novo review of the factors stated in subsection (D) of this section.
- F. It shall be unlawful for any person to operate a mobile vending operation that has been licensed under this article while the license for that mobile vending operation is suspended.
- G. No license suspended shall be reinstated until an application fee has been paid.
- H. A revoked license shall be surrendered to the City Clerk on demand at the expiration of the appeals process.

Sec. 10-165. Consent agreements.

- A. The City Clerk may, either before or after the issuance of a notice of suspension or revocation, provide for informal disposition of any contested matter by consent agreement.
- B. The consent agreement may impose requirements on the licensee which go beyond the requirements of this article.
- C. The license of any person violating any of the terms of a consent agreement shall be revoked by the City Clerk by sending a notice of revocation specifying the violation to the licensee at the most recent mailing address of record.
- D. Notwithstanding any other provision of this article, a notice of revocation issued pursuant to this section may be appealed to the License Appeal Board by filing a notice of appeal pursuant to article II, chapter 19 of this Code, provided that the only issue in an appeal authorized by this subsection shall be whether a violation of the consent agreement occurred. The provisions of Section 19-15 of this Code shall apply to a notice of revocation issued pursuant to this section.
- E. Except as otherwise provided in this article, all hearings on appeals filed pursuant to this section shall be governed by the rules of the License Appeal Board. If the Board determines that a violation of the consent agreement occurred, the license shall be revoked as originally noticed and immediately surrendered to the City Clerk on receipt of written demand.
- F. The revocation of a license after the hearing provided for in this section may be challenged by way of a special action in the Superior Court.
- G. A violation of a consent agreement shall be considered a violation of this article.

Sec. 10-166. Mobile vending operations on private property; restrictions.

- A. Mobile vending operations on private property are subject to the following restrictions relating to the site:
1. Mobile vendors and mobile food vendors shall comply with all of the provisions of the Phoenix Zoning Ordinance relating to mobile vendors.
 2. Every licensee shall have and maintain the authority or permission to use the parcel of private property on which the mobile vending operation is located, and shall provide, and update as necessary, written evidence to the City Clerk of that authorization or permission.
 3. Connection of a mobile vending unit or a mobile food vending unit to a source of electricity, water, or sewer at a mobile vending operation site is prohibited unless a permit has been obtained from the Development Services Department for each connection and such connection has been inspected and approved by the Development Services Department to be in compliance with the Phoenix Electrical Code or the Phoenix Plumbing Code, as applicable. Evidence of such permit and inspection approval for each utility and for each separate mobile vending operation site shall be maintained in the mobile vending unit or mobile food vending unit at all times, and shall be made available for review by City or Maricopa County inspectors upon request. All work must be performed by a contractor with the appropriate required state license. The Neighborhood Services Department shall be notified by the applicant once the work required by this section has been completed and approved.
 4. The use of portable or vehicle-mounted generators to supply electricity for a mobile vending operation is prohibited.
 5. Mobile vending units and mobile food vending units shall not be placed or located within the vision triangles specified in Section 31-13 of this Code.
 6. No mobile vending unit or mobile food vending unit shall be larger than twenty-four feet long by ten feet wide by twelve feet high, provided that the operation of attached venting while the unit is in operation shall not be cause for a violation of this paragraph.
 7. The area surrounding the mobile vending unit shall be permanently marked on all sides at a distance of ten feet from the mobile vending unit.
 8. No mobile vending unit shall operate at any location other than that established on the plot plan submitted with the application as required by this article.
 9. No mobile vendor or mobile food vendor shall provide any services to any patron, including installation of goods, wares or merchandise, provided that those services specifically required to serve food shall be excepted.
- B. Mobile vending and mobile food vending on private property shall be subject to the following operational restrictions:
1. Any mobile vending unit or mobile food vending unit shall be removed from the site during the hours of non-operation. Any semi-permanent structure used and/or associated with the mobile vending or mobile food vending operation shall also be removed from the site during hours of non-operation. This means that any mobile vending unit shall be removed from the site no later than 10:30 p.m. Any mobile food vending unit shall be removed from the site no later than 2:30 a.m.
 2. A mobile vendor shall not operate between the hours of 10:00 p.m. and 8:00 a.m. A mobile food vendor shall not operate between the hours of 2:00 a.m. and 6:00 a.m. The mobile vending unit or mobile food vending unit shall be removed from the site in accordance with subsection (B)(1) above.
 3. A mobile vendor or mobile food vendor located within three hundred feet of any school, measured in a straight line from the lot line of the parcel on which the mobile vending unit is located to the lot line of the parcel on which the school is located, shall not operate between the hours of 6:00 a.m. and 5:00 p.m.
 4. The area within which a mobile vending unit or mobile food vending unit is operating shall at all times be kept clean and free from litter, garbage, rubble and debris.
 5. A mobile vendor shall not use bells, chimes, microphones, loudspeakers or amplified music as a part of its mobile vending operation.

Sec. 10-167. Mobile food vendors; exemptions; restrictions.

- A. A mobile food vendor shall not operate between the hours of 2:00 a.m. and 6:00 a.m., and shall remove the mobile food vending unit in accordance with subsection 10-166(B)(1) above, provided that a mobile food vendor operating within one hundred fifty feet of a dwelling shall comply with the following additional requirements:
 - 1. All amplified music shall cease at 10:00 p.m.
 - 2. All portable or temporary lighting shall cease at 10:00 p.m., except that which is required to illuminate the serving area of the mobile food vending unit.
 - 3. All portable tables and chairs shall be removed at 10:00 p.m.
- B. For purposes of this section, the one-hundred-fifty-foot measurement shall be made in the shortest distance possible from the permanent marking as required by paragraph 10-166(A)(7) of this Code to the lot line of the parcel on which the dwelling is located.
- C. A mobile food vendor shall at no time make use of any outdoor cooking facilities, including grills.
- D. A mobile food vendor shall at no time utilize outdoor utensils, storage, or warming or refrigeration devices, except for disposable tableware.
- E. Except as otherwise limited by the provisions of this article, a mobile food vendor may utilize portable tables, chairs and awnings in the conduct of operations.
- F. Except as otherwise limited by the provisions of this article, a mobile food vendor may utilize amplified music, provided that such music shall not exceed fifty-five decibels at one hundred feet from the source as measured by a sound level meter.

Sec. 10-168. Repealed.

Sec. 10-169. Exemptions.

No license shall be required for a mobile vendor or a mobile food vendor who:

- A. Is regulated under the Administrative Temporary Use Permit process pursuant to Section 708.C of the Phoenix Zoning Code; or
- B. Is regulated as a Shopping Center Promotional Event pursuant to Section 637.A.4 of the Phoenix Zoning Code; or
- C. Is regulated as a Farmers Market or Community Garden pursuant to the Phoenix Zoning Ordinance; or
- D. Solely distributes drinking water for no charge.

Sec. 10-170. Enforcement independent of other officials.

The authority of the City Clerk to enforce the provisions of this article is independent of and in addition to the authority of other City officials to enforce the provisions of any other chapter of this Code.

Sec. 10-171. Violations and penalties.

- A. It shall be unlawful for the owner of a parcel of private property, upon which is operated a licensed mobile vending operation, to fail to prevent the accumulation of litter, garbage, rubble or debris on that property.
- B. The civil remedies provided for in this section are cumulative with those provided in Section 10-164.
- C. Any licensee, manager, or other person who causes, permits, facilitates, or aids or abets any violation of any provision of this article or who fails to perform any act or duty required by this article is subject to a civil sanction of not less than fifty dollars nor more than two thousand five hundred dollars.
- D. Any licensee, manager, or other person having control over any mobile vending operation, or control over any parcel of land on which a mobile vending operation is located, who causes, permits, facilitates, or aids or abets any violation of any provision of this article, or who fails to perform any act or duty required by this article, is guilty of a Class 1 misdemeanor.

- E. Each day any violation of any provision of this article, or the failure to perform any act or duty required by this article, exists shall constitute a separate violation or offense.

Sec. 10-172. Jurisdiction of court.

- A. Jurisdiction of all proceedings to enforce the provisions of Section 10-171(C) of this article shall be in the Municipal Court of the City of Phoenix.
- B. Civil actions to enforce subsection 10-171(C) of this article shall be adjudicated by a judge or a court hearing officer.
- C. The Municipal Court of the City of Phoenix shall have jurisdiction to issue orders permitting the City to abate conditions that constitute a violation of the provisions of this article.

Sec. 10-173. Commencement of civil action.

Any civil action to enforce a civil sanction imposed pursuant to subsection 10-171(C) of this article shall be commenced and summons shall be issued in accordance with the procedures set forth in Arizona Revised Statutes, City ordinance or as provided in the Local Rules of Practice and Procedure, City Court, City of Phoenix.

Sec. 10-174. Appeal of City Court decision.

Any party may appeal the judgment of the City Court to the Superior Court. Appeals from civil proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure, Civil. Appeals from criminal proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure, Criminal. Execution of any judgment shall be stayed pending appeal when the defendant posts an appeal bond in accordance with the order of the trial court, or when no bond is fixed and a notice of appeal has not been filed.

PHOENIX ZONING ORDINANCE

(Skipped portions of the Zoning Ordinance that are not relevant to Mobile Vendors.)**

Section 202: Definitions

Community Garden: a private or public facility for the cultivation of fruits, vegetables, flowers and ornamental plants by more than one person. Accessory sales of products cultivated on site are permissible within ten days of harvesting subject to approval of a use permit pursuant to Section 307.

Farmers Markets: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items (but not to include secondhand goods). Food and beverages dispensed from booths located on site is permitted as an accessory use.

Mobile food vending unit: any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which only food is peddled, vended, sold, served, displayed, offered for sale or given away.

Mobile food vendor: a person who sells, serves, offers for sale, or gives away only food from a mobile food vending unit which is parked or located on a parcel of private property. This term does not include a person who operates a mobile food vending unit that visits multiple private property sites on a daily basis for no more than thirty (30) minutes per site per day.

Mobile vending site: “mobile vending site” or “site” (as used in subsection 10-166 (B)(1) of the Phoenix City Code) means the property address or Maricopa County parcel number of the land where the mobile vending unit or mobile food vending unit will be located, which is required to be submitted to the City Clerk pursuant to subsection 10-163 (11) of the Phoenix City Code.

Mobile vending unit: Any motorized or nonmotorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which any goods, wares, merchandise or food, are peddled, vended, sold, served, displayed, offered for sale or given away. This includes any display consisting solely of the goods, wares, merchandise or food being peddled, sold, served, displayed or offered for sale.

Mobile vendor: a person who peddles, vends, sells, serves, displays or offers to sell or gives away goods, wares or merchandise, or food from a mobile vending unit which is parked or located on a parcel of private property. This term does not include a mobile vending unit that visits multiple private property sites on a daily basis for no more than thirty minutes per site per day.

Section 624.D.87

87. Mobile vendors subject to the following conditions or limitations:

- a. Mobile vendors or mobile food vendors shall not locate a mobile vending unit or mobile food vending unit less than one thousand three hundred twenty feet (1,320'), measured in a straight line from another mobile vending unit or mobile food vending unit on the same side of the street. The measurement shall be made from a line drawn around the mobile vending unit or mobile food vending unit with the line being at all points ten feet from the nearest point of the mobile vending unit or mobile food vending unit.
- b. Notwithstanding the provisions of Subsection a above, no more than two mobile vendors, mobile food vendors or a combination of the two shall be permitted on the corner lots at any intersection.
- c. Mobile vendors and mobile food vendors shall operate only upon surfaces that comply with the dustproofing and paving requirements for parking and maneuvering areas as set forth in Section 702.A.2.d. of the Zoning Ordinance.
- d. Mobile vendors and mobile food vendors shall not be located so as to obstruct parking spaces required by this ordinance for the operation of any other use on the site.
- e. Mobile vendors and mobile food vendors must maintain on the site a minimum of three parking spaces designated for their use.
- f. The use of signs by mobile vendors and mobile food vendors shall be governed by the sign regulations contained in Section 705 of the Zoning Ordinance.
- g. Any mobile vendor and/or mobile food vendor located on a vacant lot shall be considered a use and be subject to all of the district regulations relating to users, except that the perimeter landscaping requirements of Section 624.E.4.d of the Zoning Ordinance shall not apply.
- h. Notwithstanding the provisions of the Subsection below (Subsection I), a mobile vending unit or mobile food vending unit located on a lot which has another use shall also be considered a use if the mobile vending unit or mobile food vending unit is located within or under any permanent structure. Such use shall comply with all of the regulations for a use in the district, except that the perimeter landscaping requirements of Section 624.E.4.d of the Zoning Ordinance shall not apply. For the purpose of this section, "permanent structure" shall mean a structure that is built or constructed such as an edifice, building, walls, benches, shade structure or any piece of work artificially built up or composed of parts joined together in some definite manner, and permanently attached to the ground.
- i. If a mobile vendor or mobile food vendor is located on a lot which has another use, the mobile vendor or mobile food vendor shall be considered an accessory use.
- j. No mobile vending unit or mobile food vending unit shall:
 1. Be placed within fifteen feet of any street right-of-way.
 2. Be placed within one hundred feet of the intersection of an on- or off-ramp of a freeway and the street to which the ramp exists.
- k. Exemptions. These provisions shall not apply to mobile vendors or mobile food vendors or their respective vending units (1) located in a swap meet licensed pursuant to Chapter 10 of the Phoenix City Code; (2) used exclusively for the sale of seasonal items such as Christmas trees or pumpkins that are sold prior to holidays or traditional observances such as Christmas or Halloween; (3) regulated as a temporary use pursuant to Section 708.D. of the Zoning Ordinance; or (4) regulated pursuant to Section 637.A.4 (Promotional events at shopping centers).
- l. Neither the Zoning Administrator nor the Board of Adjustment shall have the jurisdiction to grant variances from the provisions of Subsections (a), (b), (c), (d), (e), and (j)(1) and (2) above.

- m. Any parcel upon which a mobile vendor or mobile food vendor use has been legally established shall be considered to be a mobile vendor or mobile food vendor site for purposes of applying Subsections a and b above. In the event that the mobile vendor or mobile food vendor use ceases on the site for a period of one hundred eighty consecutive days and is not legally reestablished by the end of one-hundred-eighty-day period, the site shall no longer be considered a mobile vendor or mobile food vendor site for the purpose of applying Subsections a and b above.

Section 701.E.3

E. Any person who intends to establish any use which under the provisions of this ordinance is required to maintain a minimum separation from another use may register with the Planning Department a notice of intention to establish such a use which complies with applicable separation requirements as of the date of registration. Upon the filing of such notice, until the expiration of the time period specified in subsection 1 of this section, no other use which under the provisions of this ordinance is required to maintain the minimum separation from the registered use may be registered or established closer to the registered use than the minimum distance prescribed by this ordinance. The fee for such registration shall be as set forth in appendix A.1 of the City Code.

- 3. The provisions of this section shall not apply to a mobile vendor use.

Section 705.B.2.f

Signs which do not require a sign permit. The following signs shall not require a permit or the payment of an annual sign regulation charge. However, they shall conform to the requirements of general applicability, Section 705.C and any applicable sections of the Building Code.

- f. Signs on a truck, bus, car, boat, trailer or other motorized vehicle and equipment provided all the following conditions are adhered to:
 - (1) Primary purpose of such vehicle or equipment is not the display of signs
 - (2) Such signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - (3) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.
 - (4) Vehicles and equipment are not used primarily as static displays, advertising a product or service, nor utilized as storage or shelter.
 - (5) During periods of inactivity exceeding forty-eight hours such vehicle/equipment are not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be subjected to this condition.

Section 708. Temporary Uses

A. Purpose. The purpose of the temporary uses section is to regulate limited duration uses not otherwise allowed in the applicable zoning districts.

The Planning and Development Director may issue an administrative temporary use permit upon written request and submission of an application. Any approval is contingent upon this section, city policy, and written stipulations contained on the permit.

A temporary use permit allows for a temporary use that does not meet the requirements of an administrative temporary use permit. An application per Section 307 shall be filed to request approval of a temporary use permit.

Provided by

CITY OF PHOENIX
CITY CLERK DEPARTMENT
LICENSE SERVICES

200 W. Washington St., 1st Floor
Phoenix, AZ 85003-1611

Phone: (602) 262-4638

Fax: (602)-495-0783

Website: www.phoenix.gov/licenseservices

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