



# TOWN OF JEROME

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Founded 1876  
Incorporated 1899

## ORDINANCE NO. 450

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING CHAPTER 8, "BUSINESS," OF THE JEROME TOWN CODE BY ADOPTING A NEW ARTICLE, "8-6, "MOBILE FOOD VENDORS," RELATING TO THE REGULATION OF MOBILE FOOD VENDORS; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; SETTING FORTH LICENSING REQUIREMENTS; ESTABLISHING OPERATIONAL REQUIREMENTS; AND ESTABLISHING PENALTIES**

WHEREAS, the Town of Jerome is authorized to enact and enforce regulations and zoning codes on mobile food units or mobile food vendors that are not otherwise prohibited by law; and

WHEREAS, the Town of Jerome is authorized to regulate mobile food vendors pursuant to applicable law, including Arizona Revised Statutes Sections 9-485, 9-485.01, 9-485.02, and 36-1761; and

WHEREAS, the Town of Jerome recognizes that mobile food vendors create opportunities for economic development and can provide affordable food at a variety of locations and events; and

WHEREAS, the Town of Jerome seeks to protect public health, safety and welfare through a reasonable regulatory program of mobile food vendors that includes safety standards and parking regulations; and

WHEREAS, with these regulations, the Town of Jerome ensures that mobile food vendors comply with applicable law, including building, health, and sanitation codes, as applicable; and

WHEREAS, the Town of Jerome seeks to minimize potential traffic safety threats by mobile food vendors who may impede the free flow of traffic, distract vehicle operators from observing traffic regulations, obstruct the view of pedestrians and vehicle operators, and encourage pedestrians who wish to inquire about services to cross the street in an unsafe and illegal manner;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Jerome, Arizona, as follows:

Section 1. Chapter 8, "Business," of the Jerome Town Code is hereby amended by adding a new Article 8.6, "Mobile Food Vendors," to read as follows:

- ARTICLE 8.6 MOBILE FOOD VENDORS**
- Section 8.6.1 Purpose.**
  - Section 8.6.2 Definitions**
  - Section 8.6.3 Compliance with State Licensing Requirements**
  - Section 8.6.4 Licensing Requirements**

Date of first reading: 5/14/19

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Voting record at adoption:

	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	x		x			
DILLENBERG			x			
HARVEY		x	x			
MOORE			x			
WORTH			x			

**Section 8.6.6 Operational Requirements**

**Section 8.6.7 Penalties**

**Section 8.6.1 Purpose.**

This article is adopted to protect the health, safety and welfare of the community of the Town of Jerome by enacting reasonable regulation for mobile food vendors, their employees, agents, lessees or independent contractors by requiring compliance with minimum standards for safety and security.

**Section 8.6.2 Definitions.**

The below words and phrases, wherever used in this article shall be construed as defined in this section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

- A. "Legal parking space" means an area designated for vehicle parking in the Town of Jerome that may be paved or unpaved and may be delineated by road surface markings.
- B. "Mobile food unit" means a food establishment that is licensed by the State of Arizona, that is readily movable and that dispenses food or beverages for immediate service and consumption and other incidental retail items from any vehicle as defined in Arizona Revised Statutes Section 28-101.
- C. "Mobile food vendor" means any person who owns, controls, manages or leases a mobile food unit or contracts with a person to prepare foods and vend from, drive or operate a mobile food unit.
- D. "Person" means an individual, partnership, corporation, association or any other entity of whatever kind or nature.
- E. "Right-of-way" means an area of land that is owned or leased by the Town of Jerome and used for street or highway purposes.
- F. "Semi-permanent structure" means equipment, or any dining area, including, but not limited to, tables, chairs, booths, bar stools, benches, and standup counters.

**Section 8.6.3 Compliance with State Licensing Requirements.**

- A. It shall be unlawful for any person to operate a mobile food unit or act as a mobile food vendor without having first obtained a valid license from the State of Arizona Department of Health Services pursuant to A.R.S. § 36- 1761.
- B. It shall be a class one misdemeanor to violate this section.

**Section 8.6.4 Licensing Requirements.**

It shall be unlawful for a person to operate a mobile food unit at any location within the Town of Jerome without obtaining a business license from the Town of Jerome in accordance with Article 8-3 of the Jerome Town Code.

**Section 8.6.5 Operational Requirements.**

- A. It is unlawful for any person to operate a food truck that does not meet the requirements in this section.

- B. Fire Safety and Inspection. A mobile food vendor must ensure that all mobile food units comply with the version of the International Fire Code in effect at the time, State law, and the Town of Jerome Code relating to fire and explosion safety standards, also in effect at the time.
- C. A mobile food unit(s) shall be inspected by the Town of Jerome's Fire Department, or the mobile food vendor shall provide evidence that the mobile food unit passed a fire inspection by another city or town fire department in this state within the preceding twelve (12) months.
- D. Refuse, Trash and Litter Maintenance. A mobile food unit shall:
  - 1. Provide a minimum of one fifteen (15) gallon trash receptacle within fifteen (15) feet of each individual mobile food unit for customers and employees;
  - 2. Maintain an area around the mobile unit clear of litter, garbage, rubble and debris; and
  - 3. The mobile food vendor shall remove all trash generated by the mobile food vendor from Town limits. No trash generated by the mobile food vendor may be disposed of by the mobile food vendor in dumpsters or waste receptacles located in the Town.
    - a. The Town Council may establish, by Resolution, a daily fee to cover the cost of trash generated by the mobile food vendor and disposed of by its customers in public waste receptacles.
- E. Noise Restrictions. Noise levels from mobile food units shall not exceed the Town's noise ordinance standards pursuant to Section 10-1-13 of the Jerome Town Code.
- F. Security.
  - 1. The mobile food unit and the surrounding vending area shall be maintained in a safe and clean manner at all times.
  - 2. A mobile food unit shall have adequate lighting to ensure customer safety in the vending area. Lighting shall be directed downwards and away from rights-of-way and adjacent properties.
  - 3. The mobile food unit and its customers shall not obstruct the movement of pedestrians or other vehicles using the sidewalk, street, alley, or other public right-of-way.
- G. Insurance.
  - 1. If the mobile food unit operates at an event sponsored by the Town of Jerome or operates on public property, including rights-of-way or property owned by the Town of Jerome, the mobile food vendor shall obtain insurance naming the Town of Jerome as an additional insured in amounts as required by the Town of Jerome and in accordance with the requirements of A.R.S. Title 9, Chapter 4, Article 7.2.
  - 2. The insurance company issuing the policy shall be authorized to issue commercial liability policies in Arizona by the Arizona Department of Insurance.
  - 3. The policy shall designate by manufacturer's serial or identification number all mobile food units for which coverage is granted.
  - 4. The policy shall insure the person named in the policy and any other person using the mobile food vendor with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance or use of the mobile food unit in Arizona.

- H. Location. A mobile food vendor shall operate a mobile food unit only in the C-1 Zoning district in accordance with the Jerome Zoning Ordinance and to a limited extent in a residential area as set forth below, and subject to the following limitations and conditions:
1. Residential Area. A mobile food vendor shall not operate in an area zoned for residential use or within two hundred fifty (250) feet of an area zoned for residential use, except:
    - a. A mobile food vendor selling only ice cream may operate on public rights-of-way in areas zoned for residential use; or
    - a. Subject to applicable laws and the Jerome Town Code, a mobile food vendor may operate on private property in a residential area if the mobile food vendor obtains a separate agreement with the property owner to operate a mobile food unit for a maximum of six (6) hours within a twenty-four (24) hour period on the private property.
  2. Town of Jerome-Owned Property. A mobile food vendor shall only operate in a legal parking space. If the mobile food vendor desires to operate on Town of Jerome property other than a legal parking space, the mobile food vendor shall obtain permission from the Jerome Town Council.
  3. Private Property. A mobile food vendor shall obtain written permission to use any private property where a mobile food unit is operating and shall provide proof of such written permission on demand by the Town of Jerome.
    - a. Notwithstanding the permission of a person owning or having lawful control of private real property, a mobile food unit shall not remain in one location on private property for longer than ninety- six (96) consecutive hours, unless the Town of Jerome grants permission for a permitted event greater than four (4) days. "One location" within this subsection means a any location within a parcel of land and includes movements from different parked positions within the same parcel.
- I. Parking. A mobile food unit shall comply with this subsection and applicable law as it pertains to parking.
1. A mobile food unit shall only operate in a legal parking space or on private property or Town property as authorized by this Article.
  2. A mobile food unit, including any semi-permanent structure used or associated with the mobile food unit, may use no more than one (1) legal parking space, unless the mobile food vendor has a separate agreement with the Town of Jerome to use additional legal parking spaces.
  3. No mobile food unit exceeding twenty-four (24) feet may park diagonally in a diagonal parking space or park in any manner that occupies more than one (1) diagonal parking space.
  4. No mobile food unit shall operate with the serving window facing street traffic.
  5. A mobile food unit shall abide by all parking regulations, including posted time limits. A mobile food unit shall not occupy a legal parking space for more than six (6) hours in a twenty-four (24) hour period. "Occupy" within this subsection means within one hundred (100) feet of the place in which the mobile food unit was initially parked.
  6. A mobile food vendor shall not claim or attempt to establish any exclusive right to park at a particular street location, unless the parking space is part of a permitted event.


- A. Each day of any violation of any provision of this article shall continue shall constitute a separate offense.
- B. Civil Penalty: Except as otherwise provided herein, violations of any provision of this article shall be civil code offenses which may be adjudicated and enforced by the Town of Jerome civil hearing process set forth in Article 18-3 of the Jerome Town Code.

Section 2. Following its adoption, this Ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 et seq.

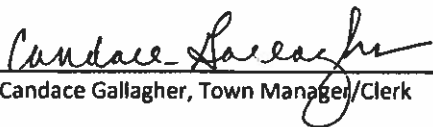
Section 3. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.

Section 4. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance, any provision incorporated by reference and any other provision of the Town Code as a whole or any part thereof other than the part so declared invalid.

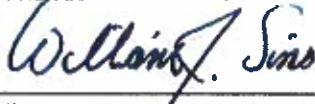
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, THIS 11 DAY OF June 2019.

  
Christina "Alex" Barber, Mayor

ATTEST:

  
Candace Gallagher, Town Manager/Clerk

APPROVED AS TO FORM:

  
William J. Sims, Esq.  
Town Attorney

