

ORDINANCE NO. 2016-003

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AMENDING CHAPTER 151, THE DEVELOPMENT CODE, OF THE CODE OF ORDINANCES FOR THE CITY OF SIERRA VISTA, ARIZONA, BY AMENDING SECTION 151.06.009, MOBILE FOOD VENDOR; PROVIDING FOR SEVERABILITY; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS ORDINANCE.

WHEREAS, pursuant to A.R.S. 9-462.01, the legislative body of any municipality by ordinance may regulate certain aspects of the use of buildings, structures and land in order to conserve and promote the public health, safety, and general welfare;

WHEREAS, the City of Sierra Vista has previously adopted a development code pursuant to the statutory authority conferred by the laws of the State of Arizona, including, but not limited to A.R.S. 9-462 ET. seq., Zoning Regulations, and ARS 9-263 ET. seq., Subdivision Regulations;

WHEREAS, periodic updates and clarifications are necessary for successful implementation of a development code;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Section 151.06.009, Mobile Food Vendor, of Article 151.06, Special Regulations for Particular Uses, of the Sierra Vista Development Code is amended to provide as follows:

**Section 151.06.009**

**Mobile Food Vendor**

A. Minimum Requirements and Restrictions:

1. Mobile food vendors 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 Community Development Director of that authorization or permission.
2. ~~Connection to a source of electricity, water or sewer at a mobile vending operation site is prohibited.~~ The use of a portable generator or connection to a source of electricity shall comply with the minimum requirements of the National Electrical Code, as adopted under Sec. 150.01 of the City Code, or in a manner approved by the Building Official.

3. ~~The use of portable or vehicle mounted generators to supply electricity is prohibited. Illicit connection or discharge to any wastewater collection system is prohibited pursuant to Chapter 50 of the City Code.~~
4. Mobile food vending units shall not be placed or located within the clear vision area as defined under Section 151.04.010 of this Code.
5. ~~No 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.~~
65. 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 Section.
76. Any mobile vending unit shall be removed from the site during the hours of non-operation.
87. ~~A mobile food vendor shall not operate between the hours of 10:00 p.m. and 8:00 a.m.~~
98. The area within which a mobile food vendor is operating shall at all times be kept clean and free from litter, garbage, rubble, and debris.
109. A mobile food vendor shall not make use of any outdoor cooking facilities, including grills.
11. ~~A mobile food vendor shall at no time use outdoor utensils, storage, or warming or refrigeration devices, except for disposable tableware.~~
1210. ~~A mobile food vendor may use Temporary structures, such as portable tables, chairs, and awnings may be used in the conduct of operations in a safe and approved manner.~~
1311. Advertising shall be permitted on the mobile food vending unit only to identify the name of the product or name of the vendor, and the posting of prices. No temporary signs are allowed.

B. Permit Required.

1. It shall be unlawful for any mobile food vendor, except those operating on an itinerant basis, to engage in business within the city without first obtaining a permit. In addition to the requirements of subsection (A), the Community Development Director or Fire Marshal may impose additional conditions of approval deemed necessary to protect the public interest, which shall be stated on a written permit certificate.
2. The permit certificate shall be valid for one (1) year from the date of issuance unless sooner suspended or revoked. Failure to abide by the conditions of approval of subsection (A) and any additional conditions included in the permit by the Community Development Director shall be grounds for immediate suspension and/or revocation of the permit.
3. The permit certificate shall be attached to the mobile vending unit where it is readily visible.
4. The permit fee shall be \$25.00.

- C. Exceptions. The provisions of this Section shall not apply to itinerant vendors, festivals, community projects or public events which occur on a periodic basis and which are specifically approved by the City Council or City Manager and/or his or her designee.

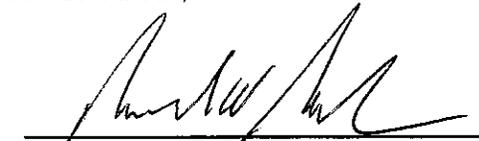
SECTION 2

All other ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions, which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 3

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Ordinance.

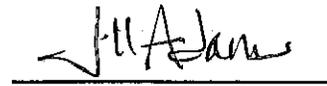
PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 14TH DAY OF APRIL, 2016

  
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FREDERICK W. MUELLER  
Mayor

Approval as to Form:

Attest:

  
\_\_\_\_\_  
NATHAN WILLIAMS  
City Attorney

  
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JILL ADAMS  
City Clerk

PREPARED BY:  
Matt McLachlan, AICP  
Community Development Director