

House Engrossed

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HOUSE BILL 2636

AN ACT

AMENDING SECTIONS 9-485.01 AND 36-1761, ARIZONA REVISED STATUTES; RELATING TO MOBILE FOOD VENDORS.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-485.01, Arizona Revised Statutes, is amended
3 to read:

4 9-485.01. Mobile food vendors; mobile food units; operation

5 A. In relation to a mobile food vendor or mobile food unit, a city
6 or town by ordinance or resolution may:

7 1. Prohibit or restrict a mobile food vendor from operating at a
8 public airport or public transit facility, in an area zoned for
9 residential use or within two hundred fifty feet of an area zoned for
10 residential use. A MOBILE FOOD VENDOR MAY OPERATE ON PRIVATE PROPERTY IN
11 A RESIDENTIAL AREA IF ALL OF THE FOLLOWING APPLY:

12 (a) THE MOBILE FOOD VENDOR OBTAINS A SEPARATE WRITTEN AGREEMENT
13 WITH THE PROPERTY OWNER.

14 (b) THE MOBILE FOOD VENDOR DOES NOT SERVE MEMBERS OF THE GENERAL
15 PUBLIC.

16 (c) THE MOBILE FOOD VENDOR AND THE PROPERTY OWNER, THE SPOUSE OF
17 THE PROPERTY OWNER OR, IN THE CASE OF A LIVING TRUST, THE TRUSTEE ARE NOT
18 THE SAME PERSON.

19 2. ESTABLISH A LIMIT ON THE HOURS OF OPERATION AND NUMBER OF DAYS A
20 MOBILE FOOD VENDOR MAY OPERATE ON A PRIVATE PROPERTY PARCEL IN A
21 RESIDENTIAL AREA.

22 ~~2.~~ 3. Continue to enact and enforce regulations and zoning codes
23 on mobile food units or mobile food vendors that are not otherwise
24 prohibited by law.

25 B. In relation to a mobile food vendor or mobile food unit, a city
26 or town may not:

27 1. Require a mobile food vendor, property owner or lessee of a
28 property to apply for and receive any special permit that is not required
29 for other temporary or mobile vending businesses in the same zoning
30 district.

31 2. Require a mobile food vendor or mobile food unit to operate a
32 specific distance from the perimeter of an existing commercial
33 establishment or restaurant, except as required by applicable building,
34 fire, street and sidewalk codes.

35 3. Prohibit or restrict a mobile food vendor or mobile food unit
36 from using any legal parking space, including metered parking, except to
37 restrict the number of spaces, vehicle size and parking duration and the
38 ability to occupy sites with insufficient parking capacity as prescribed
39 by a local zoning ordinance of the city or town or as otherwise prohibited
40 by federal law.

41 4. Require a mobile food unit to be inspected by a city or town
42 fire department before operation if the mobile food vendor provides
43 evidence that the mobile food unit passed a fire inspection by another
44 city or town fire department in this state within the preceding twelve
45 months.

1 5. REQUIRE A MOBILE FOOD VENDOR TO PAY MORE THAN ONE FEE PER YEAR
2 TO OPERATE ON PRIVATE PROPERTY WITHIN THAT CITY OR TOWN.

3 6. REQUIRE A MOBILE FOOD VENDOR TO BE FINGERPRINTED UNLESS THE
4 MOBILE FOOD VENDOR OPERATES IN AN AREA ZONED FOR RESIDENTIAL USE THAT IS
5 NOT ON PRIVATE PROPERTY.

6 C. A city or town with a population of more than fifty thousand
7 persons shall make available all applicable license applications in an
8 electronic format that is available online and may not require a mobile
9 food vendor to apply in person.

10 Sec. 2. Section 36-1761, Arizona Revised Statutes, is amended to
11 read:

12 36-1761. Mobile food vendors; mobile food units; rules;
13 health and safety licensing standards

14 A. The director shall adopt rules that do all of the following:

15 1. Establish health and safety licensing standards for mobile food
16 vendors and mobile food units that apply on a statewide basis. The
17 licensing standards shall:

18 (a) Include three categories of mobile food units that are based on
19 the type of food dispensed and the amount of handling and preparation
20 required.

21 (b) Include general physical and operation requirements of a mobile
22 food unit, including:

23 (i) Installation of compressors, generators and similar mechanical
24 units that are not an integral part of the food preparation or storage
25 equipment.

26 (ii) Necessary commissary or other servicing area agreements.

27 (iii) Vehicle and equipment cleaning requirements.

28 (iv) Waste disposal requirements during and after operation on
29 public or private property, which may not include the size or dimensions
30 of any required solid waste receptacle.

31 2. Establish statewide inspection standards that are based on
32 objective factors for use by the county health departments.

33 3. Establish a licensing process for mobile food units that does
34 all of the following:

35 (a) Requires a separate license for each mobile food unit.

36 (b) Requires a license to be renewed annually.

37 (c) Delegates to the county health department in the county where
38 the mobile food vendor's commissary is located the licensing and health
39 and safety inspection for state licensure using the statewide inspection
40 standards adopted pursuant to this section. The licensing process shall
41 require random inspections by county health departments at no additional
42 cost except as provided in section 11-269.24. A mobile food unit license
43 issued by a county health department pursuant to this section shall have
44 reciprocity in each county of this state. A county health department may

1 enforce the statewide inspection standards regardless of where the license
2 was issued.

3 (d) Requires all employees of a mobile food vendor to have a valid
4 food handler card or a certificate from an accredited food handler
5 training class as specified in rule by the department.

6 (e) Requires that the license be displayed in the mobile food
7 vendor's operating location in a conspicuous location for public view.

8 B. The rules adopted pursuant to this section may not do either of
9 the following:

10 1. Require a mobile food vendor or mobile food unit to operate a
11 specific distance from the perimeter of an existing commercial
12 establishment or restaurant.

13 2. Address the operating hours of a mobile food unit.

14 C. Except as otherwise specified in this chapter, the director may
15 adopt rules that are substantively the same as the regulations that are in
16 place on August 3, 2018 in Maricopa county regarding mobile food
17 establishments.

18 D. This section does not preclude a city, town or county from
19 requiring a mobile food vendor to be licensed ~~if the licensing system~~
20 ~~includes a background check or identification and fingerprinting of the~~
21 ~~owner of the mobile food vending operation.~~