

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2094

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

13 (a) THE MOBILE FOOD VENDOR OBTAINS WRITTEN PERMISSION FROM THE
14 PROPERTY OWNER.

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

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

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

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

25 1. Require a mobile food vendor, property owner or lessee of a
26 property to apply for and receive any special permit that is not required

1 for other temporary or mobile vending businesses in the same zoning
2 district.

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

7 3. Prohibit or restrict a mobile food vendor or mobile food unit
8 from using any legal parking space, including metered parking, except to
9 restrict the number of spaces, vehicle size and parking duration and the
10 ability to occupy sites with insufficient parking capacity as prescribed by
11 a local zoning ordinance of the city or town or as otherwise prohibited by
12 federal law.

13 4. Require a mobile food unit to be inspected by a city or town fire
14 department before operation if the mobile food vendor provides evidence
15 that the mobile food unit passed a fire inspection by another city or town
16 fire department in this state within the preceding twelve months.

17 5. REQUIRE A MOBILE FOOD VENDOR TO PAY MORE THAN ONE FEE PER YEAR TO
18 OPERATE WITHIN THAT CITY OR TOWN.

19 6. REQUIRE A MOBILE FOOD VENDOR TO BE FINGERPRINTED.

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

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

26 36-1761. Mobile food vendors; mobile food units; rules; health
27 and safety licensing standards

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

29 1. Establish health and safety licensing standards for mobile food
30 vendors and mobile food units that apply on a statewide basis. The
31 licensing standards shall:

1 (a) Include three categories of mobile food units that are based on
2 the type of food dispensed and the amount of handling and preparation
3 required.

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

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

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

10 (iii) Vehicle and equipment cleaning requirements.

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

14 (c) INCLUDE A FOURTH CATEGORY OF MOBILE FOOD UNITS THAT DOES NOT
15 REQUIRE ACCESS TO A COMMISSARY OR OTHER SERVICING AREA AGREEMENT.

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

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

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

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

22 (c) Delegates to the county health department EITHER in the county
23 where the mobile food vendor's commissary is located OR, IF A COMMISSARY IS
24 NOT REQUIRED, IN THE COUNTY IN WHICH THE MOBILE FOOD VENDOR RESIDES the
25 licensing and health and safety inspection for state licensure using the
26 statewide inspection standards adopted pursuant to this section. The
27 licensing process shall require random inspections by county health
28 departments at no additional cost except as provided in section
29 11-269.24. A mobile food unit license issued by a county health department
30 pursuant to this section shall have reciprocity in each county of this
31 state. A county health department may enforce the statewide inspection
32 standards regardless of where the license was issued.

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

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

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

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

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

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

16 D. This section does not preclude a city, town or county from
17 requiring a mobile food vendor to be licensed ~~if the licensing system~~
18 ~~includes a background check or identification and fingerprinting of the~~
19 ~~owner of the mobile food vending operation~~ CONSISTENT WITH SECTION 9-485.01
20 OR 11-269.24, AS APPLICABLE."

21 Amend title to conform

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C: LAT