



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: RA DPA/SE 5-2-0-0

HB 2094: technical correction; tax debt; enforcement

S/E: mobile food vendors; operation; rules

Sponsor: Representative Payne, LD 27

Caucus & COW

Summary of the Strike-Everything Amendment to HB2094

Overview

Enables mobile food vendors to operate on private property in a residential area with restrictions and details regulatory and licensing requirements for cities, towns and counties addressing mobile food units.

History

Currently, statute allows a city or town to be able to restrict mobile food vendors from operating in areas at public airports, public transit facilities, within 250 feet of or on properties zoned for residential use. In addition, cities and towns may continue to enforce regulations and zoning codes on mobile food units unless prevented in the law.

In contrast, cities and towns are prohibited from:

- 1) requiring a mobile food vendor to apply for a special permit that is not required for other temporary or mobile vending businesses in the same zoning district;
- 2) requiring mobile food vendors to operate a specific distance from commercial establishments or restaurants, unless where building, fire, street and sidewalk codes are applicable;
- 3) prohibiting a mobile food vendor from using a legal parking space, including metered parking, except to restrict the number of spaces, vehicle size, parking duration and occupying sites with insufficient parking capacity as set by local zoning ordinances or federal law; and
- 4) requiring a mobile food unit to be inspected by the fire department before operation if the unit passed another fire inspection in another city or town within the past 12 months. ([A.R.S. 9-485.01](#))

A mobile food unit's state license is designated into one of three classifications depending on the food dispensed and the way it is handled. These classifications or categories are:

- 1) Type 1 mobile food units, which dispense commercially processed food, individually packaged and frozen that requires time and temperature control for safety;
- 2) Type 2 mobile food units, which dispense food that requires limited handling and preparation; and
- 3) Type 3 mobile food units, which prepare, cook, hold and serve food. ([A.A.C. R9-8-110](#)).

Provisions

1. Allows mobile food vendors to operate on private property in a residential area if the mobile food vendor:
 - a) receives written permission from the property owner;
 - b) does not serve the general public;
 - c) is not the property owner, spouse or trustee of the property owner. (Sec. 1)
2. Prevents a city or town from requiring a mobile food vendor:
 - a) to pay more than one fee per year; and
 - b) to be fingerprinted in order to operate. (Sec. 1)
3. Instructs the Director of the Department of Health Services (DHS) to include a fourth category of mobile food units that do not require access to commissary or servicing area agreements for licensing. (Sec. 2)
4. Enables DHS to designate licensing inspections for mobile food units without a commissary or servicing area agreement to the county health department where the mobile food vendor resides. (Sec. 2)
5. Clarifies that the bill does not preclude a city, town, or county from requiring licensure for mobile food vendors. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
--	--	---	--------------------------------------