ORDINANCE NO. (O)18-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING ORO VALLEY TOWN CODE, CHAPTER 8, BUSINESS REGULATIONS, ARTICLE 8-2, BUSINESS LICENSE TAX, SECTIONS 8-2-1, DEFINITIONS; 8-2-6 SCHEDULE; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on September 27, 1989, the Mayor and Council adopted Ordinance No. (O) 89-21, adopting that certain document entitled "Oro Valley Town Code"; and

WHEREAS, on December 7, 2016, the Mayor and Council adopted Ordinance No (O) 16-14, amended the "Business License Tax" code to include requirements for mobile food vendors; and

WHEREAS, the current Chapter 8, Business Regulations, Article 8-2, Business License Tax, Sections 8-3-1, Definitions; 8-2-6, Schedule, attached hereto as Exhibit "A" and incorporated by reference, is in need of updating to comply with HB2371 which recently amended Arizona Revised Statutes regarding Mobile Food Units; and

WHEREAS, the Town desires to amend Chapter 8, Business Regulations, Article 8-2, Business License Tax, Sections 8-2-1, Definitions; 8-2-6, Schedule.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that the certain document known as "Oro Valley Town Code, Chapter 8, Business Regulations, Article 8-2, Business License Tax, Sections 8-2-1, Definitions; 8-2-6, Schedule" is declared a public record and is amended as follows:

SECTION 1. Chapter 8, Business Regulations, Article 8-2; Business License Tax, Sections 8-2-1, Definitions; 8-2-6, Schedule is amended to read as shown in Exhibit "A", with additions being shown in ALL CAPS and deletions being shown in ~~strikethrough text~~:

SECTION 2. All Oro Valley ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court

of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, 3rd day of October, 2018.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Standish, Town Clerk

Tobin Sidles, Legal Services Director

Date: 10/4/18

Date: 10/4/18

POSTED: 10/9/18 – 11/8/18

EXHIBIT "A"

Amendments to Sections 8-2-1 and 8-2-6 of the Town Code regarding Mobile Food Units. Additions shown in ALL CAPS and deletions shown in ~~strikethrough~~

8-2-1 Definitions

E. "Mobile food ~~vendor~~ UNIT" means a ~~vehicle/apparatus equipped with facilities for preparing, cooking and/or selling food~~ FOOD ESTABLISHMENT THAT IS LICENSED BY THIS STATE, 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 A.R.S. §28-101.

8-2-6 Schedule

Prior to the issuance of a mobile food ~~vendor~~ UNIT license, each mobile food ~~vendor~~ UNIT operator shall:

a.   First provide proof of inspection by ~~Golder Ranch Fire District ("GRFD")~~ ANY CITY OR TOWN FIRE DEPARTMENT IN THIS STATE within the previous ~~6 (six)~~ TWELVE months from the time of application;

b.   Pass inspection by ~~GRFD~~ ANY CITY OR TOWN FIRE DEPARTMENT IN THIS STATE;

c.   Provide evidence supplied by ~~GRFD~~ ANY CITY OR TOWN FIRE DEPARTMENT IN THIS STATE that the mobile food ~~vendor~~ UNIT passed inspection to the town clerk;

d.   Provide evidence of a valid ~~Pima County~~ Health Permit ISSUED BY ANY COUNTY HEALTH DEPARTMENT WITHIN THIS STATE to the Town Clerk;

e.   Submit a complete business license application, pay all applicable business license fees and obtain final approval.