

## MARANA ORDINANCE NO. 2022.018

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RELATING TO BUSINESS REGULATIONS; REVISING MARANA TOWN CODE TITLE 9 (BUSINESS REGULATIONS); REVISING SECTION 9-13-7 (OPERATIONAL REQUIREMENTS) TO AUTHORIZE MOBILE FOOD VENDORS SELLING SHAVED ICE TO OPERATE ON PUBLIC RIGHTS-OF-WAY IN AREAS ZONED FOR RESIDENTIAL USE; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town Council is authorized by A.R.S. § 9-240 to authorize the issuance of licenses and to direct the manner of issuing licenses; and

WHEREAS, on June 4, 2019, the Town Council adopted Ordinance No. 2019.012 which, among other items, added new Chapter 9-13 (Mobile Food Vendors) to the Marana Town Code; and

WHEREAS Marana Town Code Section 9-13-7 provides that in most cases, mobile food vendors may not operate in an area zoned for residential use, but provides an exception for vendors selling ice cream on public rights-of-way; and

WHEREAS the Mayor and Council of the Town of Marana find that revising Marana Town Code Section 9-13-7 as set forth in this ordinance is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 9 (Business Regulations), chapter 9-13 (Mobile Food Vendors), section 9-13-7 (Operational requirements) is hereby amended as follows (with additions shown with double underlining):

### **9-13-7 Operational requirements**

[No revisions to paragraphs A through E]

#### **F. Location.**

[No revisions to subparagraph 1]

2. Residential areas. A mobile food vendor shall not operate in an area zoned for residential use or within 250 feet of an area zoned for residential use, except:

- a. A mobile food vendor selling only ice cream or shaved ice may operate on public rights-of-way in areas zoned for residential use.
- b. Subject to applicable laws, a mobile food vendor may operate on private property in a residential area if the mobile food vendor obtains a separate agreement with the property owner to operate a mobile food unit for a maximum of six hours within a 24-hour period on the private property.

[No revisions to subparagraphs 3 and 4]

[No revisions to paragraphs G and H]

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All 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, effective as of the effective date of this ordinance.

SECTION 4. 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, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance shall be effective the 31<sup>st</sup> day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 18th day of October, 2022.



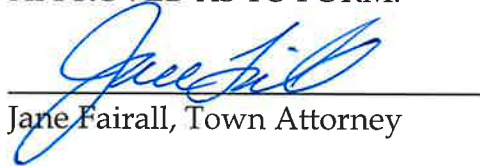
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Mayor Ed Honea

ATTEST:



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David L. Udall, Town Clerk

APPROVED AS TO FORM:



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Jane Fairall, Town Attorney

