



# STREET VENDING



A license is required to sell food or other items on the public streets or sidewalks. Special requirements apply if you wish to sell items on private property.

<u>License</u>	<u>Annual License Fee*</u>	<u>Background Check Fee for Additional Applicants**</u>	<u>Approval Required</u>
Street Vending—Non-Food	\$150.00	\$22.00	Police
Street Vending—Food	\$150.00	\$22.00	Police

*\*Fees are not refundable. {PCC 31-30(A)}*

*\*\*Application Fee includes one background check fee. Additional applicants are required to pay a separate fee. {PCC 31-30(B)}*

**For your convenience, we suggest that you make an appointment prior to visiting License Services. Call (602) 262-4638 between 8:00 a.m. and 5:00 p.m. Monday - Friday. The approval process may take up to 90 days.**

The sections of the Phoenix City Code that apply to street vending appear below.

## **ARTICLE II. STREET AND SIDEWALK VENDING**

### **Sec. 31-22. Definitions.**

*Block:* Shall mean that property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided acreage, or waterway.

*Child:* Shall mean an individual who has not attained the age of fourteen years.

*Downtown Vending District:* That area of the City of Phoenix bounded on the north by the northern portion of Fillmore Street on the east by the eastern portion of Seventh Street, on the south by the southern portion of Jackson Street and on the west by the western portion of Seventh Avenue.

*Food:* Shall mean any article sold for human consumption, the sale of which is not prohibited by law.

*Person:* Shall mean a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as an individual.

*Residential area:* Shall mean any street where over fifty percent of the front footage of either side of the block is devoted to single-family and multiple-family dwellings, dormitories, or mobile homes.

*Sidewalk:* Shall mean that portion of a public right-of-way between the curbline of a street and the adjacent property line, or, if there is no curbline, then "sidewalk" shall mean that portion of a public right-of-way between the lateral boundary line of the pavement of a street and the adjacent property line, or, if there is no pavement, then "sidewalk" shall mean that portion of public right-of-way between the lateral boundary line of the demarcated unsurfaced street and the adjacent property line.

*Sidewalk vending:* Shall mean peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other thing of value upon a sidewalk of the City of Phoenix.

*Street:* Shall mean any public road, highway, avenue, boulevard, alley and lane within the City.

*Street vending:* Shall mean Street Vending—Food and Street Vending—Non-Food.

*Street Vending—Food:* Shall mean peddling, vending, selling, displaying, or offering for sale any food product or toy between the curblines or, if none, then that portion of the right-of-way between the lateral boundary lines of the demarcated unsurfaced street.

*Street Vending—Non-Food:* Shall mean peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other thing of value, other than a food product or a toy, that occurs between the curblines, or, if none, then that portion of the right-of-way between the lateral boundary lines of the demarcated unsurfaced street.

*Street vendor:* Shall mean any person engaged in street vending.

*Toys:* Shall mean those items designed by the manufacturer to be played with by a child which do not consist of or contain an explosive charge or a tube or wick filled with a combustible material and, when used as intended, do not emit smoke or a foul or offensive odor.

**Sec. 31-23. Street vending--License required; License display; Exemptions.**

- A. It shall be unlawful for any person to engage in street vending, or to employ or hire another to engage in street vending, without possessing a valid license therefore as provided in this article. It shall further be unlawful for any person to engage in, or to employ or hire another to engage in, street vending, while that person's street vending license is suspended.
- B. No person shall use a vehicle, cart, stand or temporary contrivance while engaged in street vending without displaying thereon, in a conspicuous manner, all applicable licenses issued by the City Clerk in accordance with this article.
- C. The requirements of subsections A and B of this section shall not apply to the display, exhibition, distribution and/or sale of any noncommercial handbill as provided in Chapter 3 of this Code.

**Sec. 31-24. Street vending--Restrictions.**

Any person engaged in street vending shall be subject to the following restrictions or prohibitions:

1. *Parking restrictions.* No street vendor shall park a vehicle or series of vehicles or set up a stand or any other movable or temporary contrivance on any public street or alley for more than one hour in any eight-hour period at one location. The parking of a vehicle within three hundred feet of the original location is considered one location. No service to the public shall be made from the street side of the vehicle(s) or stand. The vehicle(s) or stand shall not obstruct the movement of pedestrians or other vehicles using the street or alley or public right-of-way.
2. *School zone restrictions.* No street vendor shall sell any merchandise or articles from any vehicle, stand or any other movable or temporary contrivance on a public street within six hundred feet of any schoolground between the hours of 7:00 a.m. and 4:30 p.m. School

governing boards or administrators may make arrangements to provide vending locations on school property.

3. *Downtown Vending District prohibited.* Street vending within the Downtown Vending District shall be prohibited.
4. *Park street prohibitions.* Street vending on a street within a public park shall be prohibited.
5. *Streets abutting parks.* Street vending on a street abutting a public park shall be prohibited within one hundred fifty feet of a lawfully established park concession.
6. *City Manager parade agreements.* Street vending during parades within the boundaries and times established by a City Manager parade agreement entered into pursuant to authority granted him under Section 2-1400 shall be prohibited unless the person has the express authorization of the contracting organization.

**Sec. 31-24.1. Street Vending—Food; Special restrictions.**

- A. It shall be unlawful for any person to engage in Street Vending—Food within the City of Phoenix with a motorized vehicle of any description that does not have affixed and operating two outside wide-angle mirrors, one located at the front driver's side directed at the front of the vehicle and one located at the rear driver's side directed at the rear of the vehicle.
- B. It shall be unlawful for any person to engage in Street Vending—Food within the City of Phoenix with a motorized vehicle of any description that does not have affixed, in clearly visible letters or numbers of contrasting color and of a height of at least three inches, the following signs:
  1. "Watch for Children" on the front and rear of the vehicle.
  2. "City of Phoenix Lic. No.," followed immediately by the street vendor's City-issued street vendor license number, on the right side of the vehicle.
  3. "City of Phoenix License Inspection Phone No. 602-262-6846," on the right side of the vehicle.
  4. The business name provided to the City pursuant to Section 31-29(A) of this article, on the right and left sides of the vehicle.
- C. It shall be unlawful for any person to engage in Street Vending—Food after the later of 7:00 p.m. or sunset and before sunrise.
- D. It shall be unlawful for any person engaged in Street Vending—Food to operate a motor vehicle while stopped without that motor vehicle's hazard lights in operation.
- E. Street Vending—Food shall be limited to the vending of food items and toys only.
- F. This section shall apply only to those street vendors engaged in Street Vending—Food within a residential area.

**Sec. 31-24.2. Street vending; Sporting event vending.**

- A. Notwithstanding the 7:00 p.m. or sunset termination rule of Section 31-24.1 of this article, Street Vending—Food is permitted at sporting events until 9:00 p.m., provided that no music may be played by the Street Vending—Food vendor after the later of 7:00 p.m. or sunset.
- B. For purposes of this section only, a sporting event shall mean an athletic competition or event held in an organized league which takes place on schoolgrounds or in a public park.
- C. Street Vending—Food at a sporting event is restricted to the side of the street or streets most closely abutting the property on which the sporting event is held.

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**Sec. 31-29. License applications; display; transfer; information update.**

- A. Each applicant for a license issued under this Article shall file with the City Clerk on an application form furnished or prescribed by the City the following information:
  - 1. The applicant's name, including all names by which the applicant is known, home address, home phone number and physical description.
  - 2. Business name, business address, mailing address and business phone.
  - 3. A brief description of the nature of the business and the items to be sold, including whether the applicant will be selling food products.
  - 4. If employed or hired by a street vending business, the name, address and phone number of the employer, together with verification of the employment relationship signed by the employer.
  - 5. Whether a vehicle is to be used and, if so, a description of the same together with the license plate number and state of issuance, registration, proof of insurance and an Arizona driver's license for the applicant.
  - 6. Statement and number of County health permit if applicable.
  - 7. Number of the privilege license issued pursuant to Chapter 14.
  - 8. Current driver's license or other current government-issued photo identification document.
  - 9. The previous name and location of the business, if any.
  - 10. The former owner of the business, if any.
  - 11. All felony and misdemeanor convictions, excluding those for civil traffic offenses.

12. Whether the applicant has ever had a street vendor or street vending license denied, revoked or suspended, and the date and jurisdiction of the denial, suspension or revocation.
  13. Two complete sets of fingerprints taken by a law enforcement agency.
  14. Photographs {of applicant} taken by the City Clerk.
  15. Photographs of any vehicle identified in Paragraph 5 that clearly establish compliance with Section 31-24.1.
- B. Licenses issued pursuant to this article shall not be transferable from one person to another.
- C. Any change in information required to be submitted by this article, must be provided to the City Clerk, on a form provided by the City Clerk for that purpose, within ten calendar days of any such change.
- D. The City Clerk may receive and review the criminal history record information, including conviction and non-conviction data, of license applicants for the purpose of evaluating the fitness of prospective licensees in connection with the issuance, renewal, suspension or revocation of a street vending license. Such information shall be used only for the purpose of such evaluation. The City Clerk shall submit a full set of the license applicant's fingerprints to the Arizona Department of Public Safety for the purpose of obtaining a state and federal criminal records check pursuant to Section 41-1750, Arizona Revised Statutes, and Public Law 92-544. The Arizona Department of Public Safety may exchange this fingerprint data with the Federal Bureau of Investigation.

**Sec. 31-29.1. Applications; additional requirements.**

- A. No license shall be issued to an individual if the individual does not present any of the following documents to the City Clerk indicating that the individual's presence in the United States is authorized under Federal Law:
1. An Arizona driver license issued after 1996 or an Arizona nonoperating identification license.
  2. A driver license issued by a state that verifies lawful presence in the United States.
  3. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
  4. A United States certificate of birth abroad.
  5. A United States passport.
  6. A foreign passport with a United States Visa.
  7. An I-94 Form with a photograph.

8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood
12. A tribal or Bureau of Indian Affairs Affidavit of Birth.

B. This section does not apply to an individual, if all of the following apply:

1. The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country.
2. The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits.

**Sec. 31-30. Licensee license fees.**

- A. All applicants shall pay a nonrefundable license fee of one hundred fifty dollars.
- B. In addition to the fee required by subsection A, the applicant shall pay the City Clerk the fee established by the Director of the Arizona Department of Public Safety for the processing of state and federal noncriminal justice fingerprints. This fee shall be paid for each person, after the first, required to submit fingerprints pursuant to Section 31-29(A).

**Sec. 31-31. License and identification card duration; renewal.**

- A. Any license or identification card issued pursuant to this article shall, unless otherwise provided for herein, expire and become null and void at the end of the fiscal year in which the license or identification card was issued.
- B. Annual renewal of any license or identification card provided for in this article shall be made by completing a renewal application as prescribed by the City Clerk and payment of the appropriate fee as set forth in Section 31-30, no earlier than the fifth city business day in April and no later than the last business day in April.
- C. In addition to the fee required by subsection B, the applicant shall pay the City Clerk the fee established by the Director of the Arizona Department of Public Safety for the processing of state and federal noncriminal justice fingerprints. This fee shall be paid for each person required to submit fingerprints pursuant this section.

**Sec. 31-32. License Issuance; Revocation; Suspension; Denial; Procedure; Appeal; Consent Agreement.**

- A. Licenses issuable pursuant to this article shall be denied by the City Clerk for any of the following reasons:

1. Fraud, misrepresentation, or false statement contained in, or in connection with, the application for license.
  2. Any violation of any of the provisions of this article within one year of the date of the application.
  3. The applicant for a Street Vending—Non-Food license has been convicted within the last five years of any felony or misdemeanor offense bearing a reasonable relationship to the functions of a Street Vending—Non-Food license. The applicant for a Street Vending—Food license has been convicted within the last five years of any misdemeanor offense bearing a reasonable relationship to the functions of a Street Vending—Food license, has been convicted within the last ten years of any felony bearing a reasonable relationship to the functions of a Street Vending—Food license, or has been convicted at any time of any sexual or violent offense against a child.
  4. The applicant has had a street vending license revoked within the previous year.
  5. The applicant has employed or hired a person in connection with the applicant's street vending business who has had his street vending license suspended or revoked within the previous year.
  6. The applicant has employed or hired a person in connection with the applicant's street vending business who does not have the required street vending license issued by the City of Phoenix.
  7. An applicant is not in compliance with Section 31-29.1.
- B. Any license issued pursuant to this article shall be revoked by the City Clerk, or suspended for a period not to exceed one year, upon one or more of the following grounds:
1. The licensee has violated any of the provisions of this article.
  2. An employee or independent contractor of the licensee has violated any of the provisions of this article.
  3. A Street Vending—Non-Food licensee, or an employee or independent contractor of a Street Vending—Non-Food licensee, has been convicted within the last five years of a felony or misdemeanor offense bearing a reasonable relationship to the functions of the license. A Street Vending—Food licensee, or an employee or independent contractor of a Street Vending—Food licensee has been convicted within the last five years of a misdemeanor offense bearing a reasonable relationship to the functions of the license, has been convicted within the last ten years of a felony offense that bears a reasonable relationship to the functions of the license, or has been convicted at any time of a sexual or violent offense against a child.
  4. The applicant gave false or misleading information in, or in connection with, the application.

- C. To deny, suspend or revoke a license, the City Clerk shall either hand-deliver to the licensee, or mail by certified mail to the licensee at the mailing address shown on the application or otherwise more recently of record with the City Clerk, a written notice that the license is denied, suspended, or revoked. The cause for the denial, suspension, or revocation shall be set forth in the notice. Service shall be complete upon hand-delivery or, in the case of service by mail, five calendar days after mailing to the address of record. An applicant or licensee may appeal the denial, suspension or revocation of a license to the License Appeal Board pursuant to Chapter 19, Article II of this code. If an application is denied pursuant to Paragraph (A)(3), or revoked or suspended pursuant to Paragraph (B)(3), the Board shall consider all of the following before overturning that denial, suspension or revocation:
1. The extent of the appellant's criminal record.
  2. The length of time that has elapsed since the offense was committed.
  3. The nature of the offense.
  4. Any applicable mitigating circumstances.
  5. The degree to which the appellant participated in the offense.
  6. The extent of the appellant's rehabilitation, including:
    - a. Completion of probation, parole or community supervision.
    - b. Whether the applicant paid restitution or other compensation for the offense.
    - c. Evidence of positive action to change criminal behavior, such as completion of a drug treatment program or counseling.
    - d. Personal references attesting to the appellant's rehabilitation.
    - e. Witness testimony that the appellant submits.
- D. It shall be unlawful for any person to operate a business that has been licensed under this article while the license for that business is suspended.
- E. No license suspended shall be reinstated until an application fee has been paid.
- F. A revoked license shall be surrendered to the City Clerk on demand at the expiration of the appeals process.
- G. The City Clerk may, either before or after the issuance of a notice of suspension or revocation, provide for informal disposition of the matter by consent agreement.
- H. The license of any person violating any of the terms of a consent agreement reached pursuant to this section shall be revoked for a period of one year. There shall be no administrative appeal from a decision to revoke a license for violation of any of the terms of a consent agreement. Any appeal taken shall be by way of special action in the Superior Court.



## ARTICLE XII. VIOLATIONS AND PENALTIES

### Sec. 31-121. Violations and penalties.

- A. The remedies herein are cumulative and the City may proceed under one or more remedies.
- B. Any owner or responsible party who causes, permits, facilitates, or aids or abets any violation of any provision of this chapter or who fails to perform any act or duty required by this chapter is subject to a civil sanction of not less than five hundred dollars nor more than two thousand five hundred dollars. The five hundred dollar minimum sanction may not be waived.
- C. Any owner or responsible party who causes, permits, facilitates, or aids or abets any violation of any provision of this chapter or who fails to perform any act or duty required by this chapter is guilty of a Class 1 misdemeanor.
- D. Each day any violation of any provision of this chapter or the failure to perform any act or duty required by this chapter exists shall constitute a separate violation or offense.
- E. Any civil action to enforce a civil sanction imposed pursuant to this article shall be commenced and summons shall be issued in accordance with the procedures set forth in the Arizona Revised Statutes, City Ordinance or as provided in the Local Rules of Practice and Procedure, City Court, City of Phoenix.
- F. Any party may appeal the judgment of the City Court to the Superior Court. Appeals from civil proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure, Civil. Execution of any judgment shall be stayed pending appeal when the defendant posts an appeal bond in accordance with the order of the trial court, or when no bond is fixed and a notice of appeal has been filed.
- G. A civil citation brought pursuant to this section shall be served within one year of the offense.

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### **Vendors who have amplified music systems on vehicles.**

#### **Section 23-12. Creation of unreasonably and disturbing noises prohibited.**

Subject to the provision of this Article the creating of any unreasonably, loud, disturbing and unnecessary noise within the limits of the City is hereby prohibited.

#### **Section 23-13. Noises detrimental to life and health, or public peace and welfare prohibited.**

Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is hereby prohibited.

#### **Section 23-14. Enumeration of loud, disturbing and unnecessary noises; enumeration not exclusive.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this Article, but this enumeration shall not be deemed to be exclusive, namely:

(a) *Blowing horns or signaling devices.* The sounding or blowing of any horn or signal device on any automobile, truck, bus, motorcycle or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.

(b) *Radios, phonographs, etc.* The playing of any radio, phonograph or any other musical instrument in such a manner or with such volume, particularly between the hours of 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(c) *Yelling, shouting, etc; on streets.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel, or other type of residence, or of persons in the vicinity.

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(e) *Use of vehicles.* The use of any automobile, truck, bus, motorcycle or other vehicle so out of repair, so loaded or in such manner as to make loud and unnecessary grating, grinding, rattling or other noise.

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(j) *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings or session thereof; *Provided*, that signs must be displayed in such streets indicating that the same is a school, institution of learning, church court or hospital.

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(l) *Noises to attract attention.* The use of any drum, loud-speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance show or sale or display of merchandise.

(m) *Loud-speakers or amplifiers on vehicles.* The use of mechanical loud-speakers or amplifiers on automobiles, trucks, busses or other moving or standing vehicles for advertising or other purposes.

### **Section 23-15. Exemptions.**

None of the terms or prohibitions of Sections 23-12 through 23-17 shall apply to or be enforced against:

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(d) The use of a hand-operated device producing not in excess of seventy decibels of sound, "C"-scale, measured a distance of fifty feet from the instrument emanating sound from bicycles, pushcarts, or other vehicles, or from vehicles in connection with the sale or display of merchandise; *Provided*, that such devices or musical systems:

1. Shall be operated only while the bicycle, pushcart or vehicle is in motion;

2. Shall play only pleasing melodies; and,
3. Shall not be played between the hours of 1 p.m. and 3 p.m., and between the hours of 9 p.m. and 10 a.m.

Provided as a service of the



**City of Phoenix**

CITY CLERK DEPARTMENT  
LICENSE SERVICES SECTION

(09/15)

This publication can be provided in an alternate format by contacting the City Clerk Department,

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Phoenix, AZ 85003-1611

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