

WHEN RECORDED, RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 36-22

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, DECLARING THE DOCUMENT TITLED “PLZM-22-00180 FOOD TRUCKS” AS A PUBLIC RECORD; ADOPTING THE SAME BY REFERENCE; AMENDING THE BUCKEYE CITY CODE, CHAPTER 7, DEVELOPMENT CODE, ARTICLE 3, USE REGULATIONS, SECTIONS 3.4.2(G), FOOD TRUCK (MOBILE FOOD VENDOR), AND 3.4.3, GENERAL REQUIREMENTS FOR ALL TEMPORARY USES AND STRUCTURES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, that certain document entitled the “PLZM-22-00180 Food Trucks,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk; and

WHEREAS, the Mayor and City Council of the City of Buckeye, Arizona, believe that it is in the best interest of the City to amend particular sections of the Development Code related to food trucks, in order to promote the health, safety, and welfare of the City’s residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. The recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That certain document titled “PLZM-22-00180 Food Trucks,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 3. The City Code is hereby amended by amending Chapter 7 (Development Code), Article 3 (Use Regulations), Sections 3.4.2 (G) (Food Truck (Mobile Food Vendor)), and 3.4.3 (General Requirements for all Temporary Uses and Structures) as set forth in “PLZM-22-00180 Food Trucks.”

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. 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.

Section 6. In accordance with Chapter 7 (Development Code), Article 9 (Enforcement), Section 9.3.4 (Criminal and Civil Penalties), the following enforcement provisions apply:

- A. Any person, firm, or corporation violating any provision of this Development Code, or any amendments to it, shall be guilty of a Class One Misdemeanor punishable by a fine not exceeding \$2,500, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, for each violation.
- B. Violation of any provision of this Development Code, or any amendments to it, may also subject the offender to a civil monetary penalty in an amount to be established by the City Council. If the offender fails to pay this penalty within 15 days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of a debt. A civil penalty may not be appealed to the Planning Commission if the offender was sent a final notice of violation in accordance with this Section and did not take an appeal to the Planning Commission within 20 days of the date of such final notice.

Section 7. The Mayor, the City Manager, the City Clerk, and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Buckeye, Arizona, this 20th day of December, 2022.

Eric W. Orsborn, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

The signed version of Ordinance No. 36-22 is on file in the Office of the City Clerk.

APPROVED AS TO FORM:

K. Scott McCoy, City Attorney