



**ORDINANCE/RESOLUTION APPROVED AT THE CITY OF DOUGLAS
REGULAR COUNCIL MEETING OF APRIL 12, 2017**

ORDINANCE NO. 17-1068

MODIFYING TITLE 5 OF THE DOUGLAS MUNICIPAL CODE RELATING BUSINESS LICENSES AND MOBILE VENDORS REGULATIONS BY AMENDING PREVIOUS ORDINANCES PERTAINING TO MOBILE VENDORS UNDER CHAPTER 5.20.

RESOLUTION NO. 17-1209

RELATING TO TITLE 10 OF THE DOUGLAS MUNICIPAL CODE PERTAINING TO VEHICLES AND ADDING PROVISIONS TO THE LOADING ZONE SECTION IN CHAPTER 10.16.025.

FURTHER DETAILS ARE AVAILABLE AT THE CITY OF DOUGLAS ADMINISTRATIVE OFFICE, 425 10TH STREET, C/O BRENDA AGUILAR, CITY CLERK AND/OR ON THE CITY'S WEBPAGE: WWW.DOUGLASAZ.ORG.

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ORDINANCE NO. 17-1068

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, MODIFYING TITLE 5 OF THE DOUGLAS MUNICIPAL CODE RELATING BUSINESS LICENSES AND MOBILE VENDORS REGULATIONS BY AMENDING PREVIOUS ORDINANCES PERTAINING TO MOBILE VENDORS UNDER CHAPTER 5.20, ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

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NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Douglas, Arizona, as follows:

In order to more efficiently administer Business Licenses and introduce Regulations for Peddlers with a temporary or fixed kiosk, apparatus or conveyance under, Title 5, Chapters 5.20, of the Douglas Municipal Code regarding Mobile Vendors are hereby amended to read as follows:

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SECTION 1. Section 5.20.010 have additional definitions as follows:

“City property” means all real property owned by the city, except the right-of-way.”

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“Peddler” means one who travels about from place to place, by foot, wagon, vehicle or other temporary or fixed kiosk, apparatus or conveyance, conducting entertainment or games, or selling or offering for sale food, clothing, or other goods at retail, and who is not licensed as a mobile merchant.

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SECTION 2. Section 5.20.030 shall be amended to add a first sentence as follows, with the remainder of that Section remaining unchanged:

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5.20.030 Restrictions on time and location of mobile vending.

These restrictions shall not apply to peddler operations with temporary or fixed kiosk, apparatus or conveyance. In order to keep major traffic arteries free from congestion, prevent accidents, promote public safety and preserve and protect the public welfare, it is unlawful for a mobile merchant or peddler, or a transient merchant doing business in the manner of a mobile merchant or peddler, to do the following:

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SECTION 3. There shall be a new Sections numbered 5.02.025 to be established and titled accordingly and shall read in their entirety as follows:

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5.20.025 Peddler operating temporary or fixed kiosk, apparatus or conveyance,

A. Peddlers must meet all application requirements as set forth in Chapter 5.02 herein, and may operate in areas designated by the peddler on the required and approved site plan area in which the peddler will conduct business. Unless such area is physically demarcated at the site, it shall be assumed that, for

1 purposes of measuring the distance between the operation and the nearest residential property, other
2 peddler operation, or right-of-way, the boundary of the operation is the outer edge of the property being
3 occupied by the peddler's personal property or customers' vehicles.

4 B. If the applicant intends on conducting business on city property a site plan shall be submitted and
5 written authorization from the director of the department having control over such property shall be
6 required.

7 C. If the applicant intends on conducting business on an unimproved lot, a site plan approved by the
8 director showing conformance with the requirements of this article. The plan need not be professionally
9 prepared but shall be drawn showing the dimensions of the site, available parking, location of entrances
10 and exits, and where the peddler's apparatus will be stationed. If there are any subsequent changes, a new
11 plan shall be submitted to the director after being approved by the director.

12 D. If the applicant intends on conducting business on an improved lot, an amendment to the site plan
13 approved by the director showing conformance with the requirements of this article and the Land Use
14 Code. Such amendment need not be professionally prepared unless otherwise required by the Land Use
15 Code or other applicable city law. The plan must show the dimensions of the site, available parking,
16 location of entrances and exits, and where the peddler's apparatus will be stationed. An applicant who
17 otherwise meets the requirements of this paragraph may be approved by the director if the proposed site
18 does not meet parking requirements.

19 E. If the applicant intends on conducting business in the right-of-way, written authorization from the
20 director of the department of transportation shall be required.

21 F. Proof of insurance complying with Section 5.02.040 if operating in the right-of-way pursuant or on
22 city property shall be required.

23 **SECTION 4. There shall be a new Sections numbered 5.02.027 to be established and titled
24 accordingly and shall read in their entirety as follows:**

25 **5.20.027. Regulation of Activities**

A. In general. It shall be unlawful for a peddler:

B. To fail to maintain the site in a clean manner or provide a trash receptacle;

18 C. To place advertising signs any place other than on the peddler's temporary or fixed kiosk, apparatus
19 or conveyance;

D. Or the peddler's employee to fail to be present at the site during operating hours;

E. To operate between the hours of 11:00 p.m. and 6:00 a.m.;

20 F. To fail to remove the vehicle, all equipment, and other personal property from the site after closing;

G. To fail to display a current, valid peddler's license in a conspicuous location;

21 H. To operate a generator that violates applicable regulations relating to noise or exhaust mufflers;

I. To operate outside the boundaries of the peddler's operation; or

22 J. Except as provided in Section 5.20.025 (e), to operate in the right-of-way.

23 K. With approval of the director of the department of transportation, a peddler may operate in the right-
24 of-way in the Downtown area.

25 **SECTION 5. There shall be a new Sections numbered 5.02.029 to be established and titled
accordingly and shall read in their entirety as follows:**

1 **5.20.029 Setback requirements.**

2 A. Peddler(s) may not operate or have peddler operation in violation of the setback requirements
3 specified in subsections (B) through (E) and compliance with such requirements shall be shown on the
4 site plans required by sections below.

5 B. Within one hundred (100) feet of a residentially zoned property;

6 C. Within one hundred (100) feet of another peddler operation located on the same site, which for
7 private property means the same tax parcel;

8 D. Within one hundred (100) feet of another peddler operation located on city property or right-of-way;
9 or

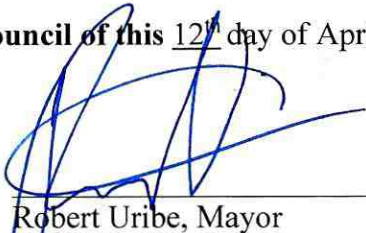
10 E. In the Downtown area, a peddler operation shall not locate within four (4) feet of a curb or right-of-
11 way pavement, within twenty (20) feet of a curb or right-of- way pavement.

12 **SECTION 6.** All Ordinance and parts of ordinance in conflict herewith are hereby repealed.

13 **SECTION 7. Effective date:** This Ordinance shall be effective thirty (30) days after final
14 approval and adoption by the Mayor and Council.

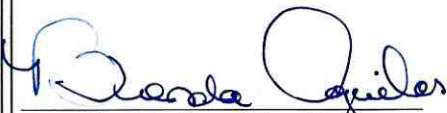
15 **SECTION 8. Severability:** If any chapter, section, subsection, sentence, clause or phrase of this
16 Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of
17 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this
18 Ordinance and this Ordinance shall continue in full force and effect after the deletion of the illegal or
19 unconstitutional provision.

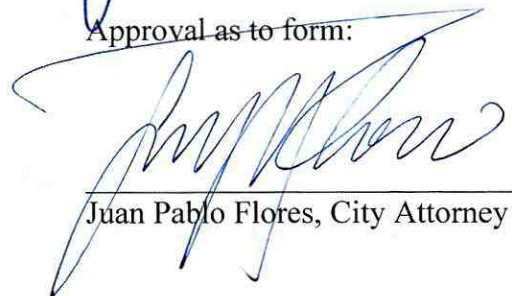
20 **PASSED AND ADOPTED by the Mayor and Council of this 12th day of April, 2017.**

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22 _____
23 Robert Uribe, Mayor

24 Attest:

25 Approval as to form:

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28 Brenda Aguilar, City Clerk

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31 Juan Pablo Flores, City Attorney

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RESOLUTION NO. 17-1209

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, RELATING TO TITLE 10 OF THE DOUGLAS MUNICIPAL CODE PERTAINING TO VEHICLES AND ADDING PROVISIONS TO THE LOADING ZONE SECTION IN CHAPTER 10.16.025; ESTABLISHING SEVERABILITY OF COMPONENTS AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

WHEREAS, Customs Border Protection (CBP) Officials at the Raul H. Castro Port of Entry Douglas have initiated a program named "The Unified Cargo Processing"; and

WHEREAS, under the pilot, CBP officials will work alongside officials from Mexico's Fiscal and Customs Administrative Service (SAT) conducting joint cargo inspections of commercial motor vehicles before their travel (or return) into Mexico. The inspections will be conducted at the cargo dock in the U.S.; and

WHEREAS, in order to meet the requirements outlined in the pilot project, CBP officials are requesting assistance from the City of Douglas in accommodating some minor changes to existing traffic control regulations near the Port of Entry; and

WHEREAS, this resolution adds provisions to the Loading Zone section in Chapter 10.16.025 for loading Taxi and Bus passengers from the date of enactment of this resolution; and

WHEREAS, in response to this request and in the interest of facilitating commerce, City staff is recommending the following amendments to the Douglas Municipal Code (DMC).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Douglas, Arizona, as follows:

SECTION 1. The policy statement herein amends Chapter 10.16.025 A-D to read in its entirety as follows:

- A. The city manager, or his designee, shall have the authority to establish loading zones, reserved for the exclusive use of vehicles during the loading and unloading of passengers and/or materials.
- B. It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers not to exceed three minutes, and for the driver to stand any freight carrying vehicles for a period of time longer than is necessary to load, unload and deliver materials, not to exceed thirty minutes, in any place designated as a loading zone and marked as such. (Ord. 806 § 2, 2002).
- C. When signs are erected giving notice thereof, no person shall stop, stand or park any vehicle except officially licensed taxis in the designated taxi zones. Taxi operators may park in such zones while waiting for riders provided that they remain within five feet of their cab at all times unless expeditiously assisting a passenger.
- D. When signs are erected giving notice thereof, no person shall stop, stand or park any vehicle except Buses belonging to the Municipal Transit service. Buses may park in such zones while waiting for riders provided that they remain within the designated space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

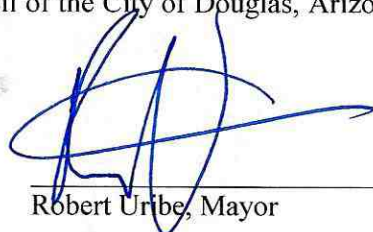
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SECTION 2. Pursuant to City Charter provision under Article VII, Section 6, that this Resolution shall hereby have the effect of an Ordinance.

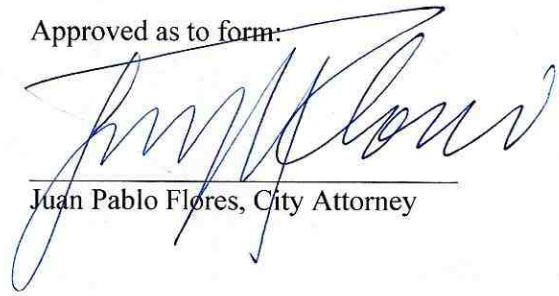
SECTION 3. Severability: If any chapter, section, subsection, sentence, clause or phrase of this Resolution having the effect of an Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and this Ordinance shall continue in full force and effect after the deletion of the illegal or unconstitutional provision.

SECTION 4. The provisions of Section 1 of this Resolution having the effect of an Ordinance shall be effective 30 days from the date of enactment.

PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 12th day of April, 2017.

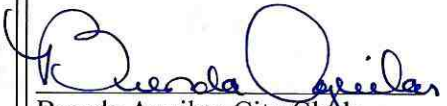


Robert Uribe, Mayor

Approved as to form:


Juan Pablo Flores, City Attorney

Attest:



Brenda Aguilar, City Clerk