

Chapter 5.36 - FOOD SHARING EVENTS

5.36.010 - Findings and purpose.

Outdoor food sharing events take place frequently in public parks. A number of the people served are homeless, but many are also people with very limited economic means who are not homeless but whom are able to avoid homelessness in part by accessing food from these events. Private persons and organizations have engaged in the distribution of prepared foods to those in need without having to obtain permits or operate under regulations that control the manner in which food is prepared, stored, transported, or served. City departments have been repeatedly called to address public nuisance and other illegal behavior, clean-up human waste, litter, trash and other debris left over from the food sharing events. These activities have resulted in a deterioration of the condition of public property and negatively affect use of parks by other patrons. The purpose of this chapter is to protect public health, safety and welfare by requiring all persons or organizations that sponsor, promote or engage in food sharing events at public parks to obtain a permit issued by the city prior to engaging in such activity, and requiring compliance with applicable Mohave County health regulations regarding food preparation and distribution; to accommodate competing interests and uses for park space and to ensure that events taking place in public parks are consistent with the intended primary uses of the parks.

(Ord. No. 2021-01, § 1, 2-16-2021)

5.36.020 - Definitions.

"Public park" for purposes of this chapter means those public lands as defined under Section 12.12.010 of the Bullhead City Municipal Code.

"Food sharing event" means a non-social gathering that is planned, organized, promoted or advertised by a private group or organization at a public park where prepared food requiring distribution in a timely manner or temperature control for safe consumption is served or distributed for charitable purposes at no cost, or for a nominal charge, to any member of the public.

"Prepared food" does not include, sealed pre-packaged foods readily available from retail outlets and intended for consumption directly from the package.

(Ord. No. 2021-01, § 1, 2-16-2021)

5.36.030 - Unlawful activity.

It is unlawful for any person or organization to sponsor, promote or engage in a food sharing event at a public park in violation of the provisions of this chapter. Any violation of this chapter is a class 2 misdemeanor.

(Ord. No. 2021-01, § 1, 2-16-2021)

5.36.040 - Permit application procedure.

- A. Any person or organization sponsoring, promoting or engaging in a food sharing event at a public park must a permit issued by the finance department and comply with the following requirements:
1. Submit a permit application on a form provided by the city;
 2. Submit a permit fee in an amount established by the city council;
 3. Provide proof of compliance with all applicable Mohave County regulations relating to food preparation and distribution;
 4. Provide proof of general liability insurance with coverage limits in the amount of one million dollars per occurrence with the City named as an additional insured by endorsement;
 5. Agree to indemnify, hold harmless and defend the city from claims arising from negligent acts, omissions or reckless or willful conduct of the permittee or permittee's employees, agents or volunteers related to permittee's activities pursuant to the permit; and
 6. Provide a refundable deposit in the amount of two hundred fifty dollars for maintenance and cleaning costs and agree to reimburse the city for maintenance and cleaning costs in excess of the deposit.
- B. Applications will not be accepted for a food sharing event submitted less than five business days prior to the scheduled event nor more than sixty days prior to the event.
- C. City shall provide written notice of any denial of permit issuance.
- D. A permit under this chapter shall not be issued unless all conditions of this Section 5.36.040 are fulfilled.

(Ord. No. 2021-01, § 1, 2-16-2021)

5.36.050 - Event regulations.

- A. Permittees shall be prepared to show proof of a valid permit issued pursuant to this chapter upon request by any police officer or code enforcement officer of the city.
- B. Permittees shall be prepared to show proof of compliance with all applicable Mohave County regulations relating to food preparation, handling and distribution upon request by any police officer or code enforcement officer of the city.
- C. Permittees shall not conduct an event on any other publicly owned or controlled property except for the public park for which the permit was issued.
- D. Permittees shall hold no more than one event per month, regardless of location. No location will host more than one event per month.
- E. No food sharing event may continue for more than two hours.

(Ord. No. 2021-01, § 1, 2-16-2021)

5.36.060 - Revocation of permits.

- A. Any permit granted pursuant to the provisions of this chapter may be revoked by the city manager or city manager's designee for any violation of this chapter, any applicable provision of the Bullhead City Municipal Code or laws and regulations of the County of Mohave or State of Arizona related to food sharing.

- B. Revocation shall be made only after written notice of the city's decision to revoke has been provided to the permit holder and upon a hearing granted to the holder of the permit so revoked as specified in this chapter. A permit holder may not sponsor, promote or engage in a food sharing event once written notice of the permit revocation has been issued.

(Ord. No. 2021-01, § 1, 2-16-2021)

5.36.070 - Appeal.

- A. An applicant or permit holder may appeal the denial of a permit application or revocation of a permit by completing a notice of appeal to the city manager's office within ten days from the date of being notified of the denial of the application or revocation of the permit. The city manager's office shall forward the notice to the Bullhead City Municipal Court upon receipt. The applicant or permit holder shall be entitled to a hearing pursuant to the provisions of this chapter.
- B. The Bullhead City Municipal Court has jurisdiction to decide the denial or revocation of a permit under this chapter. The court shall conduct the hearing within five business days of written notice of the appeal from the city manager's office. Failure to request the hearing in a timely manner constitutes a waiver of the right to challenge the denial or revocation of the permit. At the hearing the city has the burden of establishing by a preponderance of the evidence that a basis existed for the decision. The magistrate may admit any reliable and relevant evidence but the rules of evidence shall not be strictly applied. If the magistrate finds that the denial or revocation is supported by a preponderance of the evidence, the denial or revocation shall be sustained. The magistrate's decision may be appealed to the superior court within ten business days of the magistrate's decision.

(Ord. No. 2021-01, § 1, 2-16-2021)

5.36.080 - Exemptions.

The provisions of this chapter do not apply to permitted farmer's markets or special events/activities where commercial food distribution takes place or to events on private property.

(Ord. No. 2021-01, § 1, 2-16-2021)