

TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2018- 02

AN ORDINANCE AMENDING ARTICLE IV, CHAPTER 6 OF THE GREEN MOUNTAIN FALLS MUNICIPAL CODE TO REQUIRE LICENSING OF MOBILE FOOD VENDORS

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:

Section 1. Article IV, Chapter 6 of the Green Mountain Falls Municipal Code is hereby repealed and reenacted to read as follows:

ARTICLE IV – Mobile food vendors and Peddlers

Sec. 6-101. – Mobile food vendors and peddlers licensed.

It shall be unlawful for any mobile food vendor or peddler as defined herein to engage in such business within the corporate limits of the Town without first obtaining a license therefor in compliance with this Code.

Sec. 6-102 – Definitions.

Whenever used in this Article, the words hereinafter defined shall, unless the context requires other uses, be deemed to have the following meanings:

- (1) *Mobile food vendor* means a retail food establishment, designed and equipped to prepare or serve food for immediate consumption, which is readily movable, typically as a motorized or towed vehicle. The term mobile food vendor includes food trucks serving prepared meals, but does not include food delivery vehicles delivering food supplies to restaurants, hotels, businesses, or residences (such as grocery delivery vehicles, pizza delivery, or restaurant food and supply delivery).
- (2) *Peddler* means any person, whether a resident of the Town or not, who sells and delivers or offers for sale to consumers any goods, wares, merchandise, fruits, vegetables or country produce, traveling from place to place, from house to house or from street to street, who shall sell or offer for sale and delivery any goods or other such articles while traveling on foot, by vehicle or any other type of conveyance, regardless of whether the items are for immediate or future delivery, or whether payment shall be immediate or in the future. The term peddler includes door-to-door sales people, but does not include individuals not engaging in commercial activity.

Sec. 6-103. – Application for a license.

(a) Applicants for a peddler's license shall file with the Town Clerk at least five (5) days prior to the date upon which the applicant desires to begin his or her business a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) The permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and goods shown for sale or for future delivery;
- (4) If employed, the name, address and phone number of the employer, together with credentials establishing the exact relationship between the employer and employee;
- (5) The length of time for which the right to do business is desired; and
- (6) Two (2) identical photographs of the applicant which reasonably identify the applicant; such photographs to measure two (2) inches by two (2) inches.

(b) Applicants for a mobile food vendor's license shall file with the Town Clerk at least five (5) days prior to the date upon which the applicant desires to begin operation in the Town a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

- (1) Name and description of the mobile food vendor;
- (2) The local address for the mobile food vendor applicant;
- (3) The length of time for which the right to do business is desired;
- (4) Proposed location and hours of operation for the mobile food vendor;
- (5) Proof of permission to operate on the proposed site, or if the applicant seeks to operate on Town property a concurrent application for permission pursuant to Section 6-105.
- (5) A proposed refuse control plan, including a wastewater disposal plan; and
- (6) Proof of compliance with all applicable state regulations and health department licensing.

Sec. 6-104. – Investigation and issuance of license.

- (a) For peddler applications, the following procedure shall be followed:

- (1) Upon receipt of such application, an investigation shall be conducted at the direction of the Town Clerk to determine the applicant's business and whether such application is truly for a legitimate business purpose and whether, considering all circumstances, the granting of the license will not threaten the health, safety and welfare of the Town.
 - (2) If, as a result of such investigation, it is discovered that the applicant is not intending to use the license for a legitimate business purpose or the granting of the license will threaten the health, safety and welfare of the Town, then the Town Clerk shall notify the applicant of the disapproval of such application and that no license will be issued thereunder, giving the reasons therefor.
 - (3) If, as a result of such investigation, the application is found to be satisfactory, the Town Clerk shall endorse the same on the application and, upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license to carry on such business within the corporate limits of the Town for a period, not exceeding thirty (30) days, except as hereinafter set forth.
 - (4) The license so issued to a successful applicant shall contain the signature and seal of the issuing officer, the type of license issued, the kind of goods to be sold thereunder, the date of issuance, the expiration date thereof and a two (2) inch by two (2) inch photograph of the applicant.
- (b) For mobile vending applications, the following procedure shall be followed:
- (1) The Town Clerk shall investigate and determine whether the requirements for mobile food vendors set forth in this Article have been met and whether issuance of the license will jeopardize the health, safety and welfare of the Town. In making such a determination, the Town Clerk shall consider the following criteria:
 1. Information contained in the application or supplemental information obtained from the applicant is found to be false in any material detail;
 2. The applicant has failed to complete the application after having been notified of any additional information or documents required;
 3. The location, size, or nature of the mobile food vending will create undue vehicular or pedestrian traffic congestion;
 4. The location, size, or nature of the mobile food vending is incompatible with the neighborhood due to noise, hours, odors, or other impacts;

5. The applicant has failed to pay costs, fees or deposits for any previous special event or demonstration permit; and
 6. The applicant has failed to abide by the terms or conditions of any previous special event or demonstration permit.
- (2) If, as a result of such investigation, the application is found to be satisfactory, the Town Clerk shall endorse the same on the application and, upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license to operate a mobile vending operation within the corporate limits of the Town for a period of time, not exceeding one (1) year, subject to annual renewal.

Sec. 6-105. – Mobile Food Vendors Operating on Town Property.

(a) If a mobile food vendor desires to operate on Town Property, the application shall be submitted to the Board of Trustees for consideration. In determining whether to grant the requested license, the Board, at its next available meeting, shall consider the following criteria in addition to the criteria set forth in Section 6-104(b)(1):

1. Whether the mobile food vending operation can operate on Town property without interfering with other uses of such property.
2. Whether mobile food vending is compatible with the nature and purpose of the subject Town property.

(b) The Board of Trustees may deny, approve, or approve with conditions that are necessary to mitigate the negative impacts of the mobile food vending operation.

(c) No mobile food vendor may operate on property owned or controlled by the Town for more than ___ days in any calendar year.

Sec. 6-106. – License fee.

The license fee, which shall be charged in advance by the Town Clerk, shall be established by resolution of the Board of Trustees.

Sec. 6-107. – Suspension/Revocation of license.

(a) Licenses issued hereunder may be suspended or revoked by the Board of Trustees, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for the license;
- (2) Any violation of this Code;
- (3) For peddlers, fraud, misrepresentation or false statement made while carrying on his or her business or conviction of any crime or misdemeanor involving moral turpitude; or

(4) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a threat to the health, safety or general welfare of the public.

(b) Notice of the hearing for suspension or revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his or her local address as set forth in the application at least five (5) days prior to the date set for the hearing.

(c) Whether to suspend or revoke a license shall be determined by the Board of Trustees depending on the nature and severity of the violation, whether the licensee has had previous violations, and other similar factors.

Sec. 6-108. - Appeal.

Any person aggrieved by the action of the Police or the Town Clerk in the denial, suspension, or revocation of the same shall have the right to appeal to the Board of Trustees. Such appeal shall be filed within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, by means of a written statement setting forth fully the grounds for the appeal. The Board of Trustees shall set a time and a place for the hearing and shall give notice to the appellant in the same manner as provided in Section 6-107(b). The decision of the Board of Trustees shall be final and conclusive, except as provided by the laws of the State.

Sec. 6-109. - Expiration of license.

All licenses issued under the provisions of this Article shall expire on the dates set forth thereon.

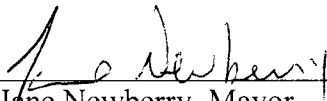
Section 2. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Green Mountain Falls, that it is promulgated for the health, safety and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

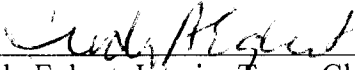
Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after passage.

INTRODUCED AND ORDERED PUBLISHED the 1st day of May 2018, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado.

ADOPTED AND ORDERED PUBLISHED the 5th day of June 2018.


Jane Newberry, Mayor

ATTEST:


Judy Egbert, Interim Town Clerk

APPROVED AS TO FORM:

Jeff Parker, Town Attorney

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