



Mobile Food Vendor Application

Applicant Information

Fee: \$50.00

Name:	Date:
Organization/Business Name:	
Address:	Mailing Address
Business Phone:	Cell Phone:
Previous License #	Date Issued:
Colorado Health Dept. Inspection Permit #	Date Issued:

UNIT CONTACT INFORMATION (primary Contact for the unit while in route)

Name:	
Address:	
Phone No.	Cell Phone:

Unit Information

Make:	Model:
Year:	Vehicle identification No.
License Plate No.	Color of Unit:

Description of Edible Goods being sold:

Attach The Following with Application:

- Proof of Identity
- Color Photo of Mobile Food Vehicle
- Site Plan; Per City of Alamosa ordinance 10-221 (C-3)
- Written Express Consent of the Property Owner Where Unit will be set up.
- Certificate of Liability Insurance if operating on public property or rights of way; Per City of Alamosa ordinance 10-221 (C-10)
- Copy of a current State of Colorado Health Department Inspection Certificate for the subject vehicle

Applicant' Certification and Indemnification

I hereby certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing the application I am acting with the knowledge and consent of the owners of the property when applicable. I acknowledge and agree that the application is subject to all the terms and conditions for a temporary use found in Section 10-221 of the Code of Ordinances of the City of Alamosa, and subject to all other City of Alamosa ordinances, rules and regulations. I acknowledge any permit issued confers no property, contract or other right, and is issued solely for purposed of compliance with the requirements of Section 10-221.

I agree to defend, indemnify and hold harmless the City of Alamosa, its elected officials, officers, employees, agents and volunteers, from and against all actions, damages, costs, liability, claims, losses, penalties and expenses (including, but not limited to, reasonable attorney's fees of the City Attorney or legal counsel retained by City, expert fees, litigation costs, and investigation costs) of every type and description to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, any activity carried out under the terms of this permit, whether or not caused in part by passive negligence of the Party indemnified hereunder.

I understand that any false statement or omissions are a basis for denial or revocation of this permit and for denial of future permits. I further acknowledge that I have read the applicable regulations attached to this permit application and agree to fully comply with the regulations set forth by the City of Alamosa and any terms and conditions placed upon any permit issued as they relate to mobile food venders.

Applicant Signature and title:

Date

Public Works Director or Zoning Administrator Approval:

Date

Finance Department Approval:

Date



Finance Department
P. O. Box 419
Alamosa, CO 81101
Phone: (719) 589-2593
Fax: (719) 589-4526

Mobile Food Vendor's Sales Tax License Application

\$50.00 FEE-RETAIL SALES TAX

NAME OF BUSINESS AND MAILING ADDRESS:

NAME OF BUSINESS AND PHYSICAL BUSINESS ADDRESS
 (If different from mailing address)

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

FAX NUMBER: _____

DRIVER LICENSE NUMBER & STATE: _____

FEDERAL ID#: _____ (REQUIRED) STATE ID#: _____ (REQUIRED)

DATE BUSINESS STARTED: _____

TYPE OF BUSINESS: _____

TYPE OF BUSINESS (WHAT DO YOU DO OR SELL, AND TO WHOM): _____

PLEASE CHECK:

- | | |
|--|--|
| <input type="checkbox"/> Renewal | A City License will be issued. |
| <input type="checkbox"/> New Applicant | A City License and a City account Number will be issued. |
| <input type="checkbox"/> One Time Sale | A City License will not be issued and the City Account terminated. |
| <input type="checkbox"/> MONTHLY | If you collect taxes more than \$30.00 per month |
| <input type="checkbox"/> QUARTERLY | If you collect taxes between \$10.00-\$30.00 per month |
| <input type="checkbox"/> ANNUALLY | If you collect taxes less than \$10.00 per month |

 APPLICANT SIGNATURE

 DATE

FOR ACCOUNTING AND FINANCE OFFICE USE ONLY

REGULAR FEE COLLECTED _____

MOBILE FEE COLLECTED: _____

TRANSIENT FEE COLLECTED: _____

LICENSE#: _____

TAX ACCOUNT NUMBER: _____

RECEIPT # _____ DATE: _____

BY: _____ MAILED: _____

Sec. 10-221. - Mobile food vending.

- (a) *Intent and purpose.* The general purpose of this section is to promote the health, safety, comfort, convenience, prosperity, and general welfare of the citizens of the city and to provide balanced business, employment, and recreational opportunities by establishing reasonable guidelines and regulations for the operation of mobile food vehicles within the city. The regulations contained herein are not intended to prohibit or hamper economic activity, but merely to regulate specific activities that are commercial in nature. It is the intent of these regulations to:
- (1) Establish regulations in accordance with the vision statement for the purpose of promoting the health, safety, and general welfare of the citizens of the city; and
 - (2) Establishing a uniform set of fair and equitable rules and regulations to be applied consistently to mobile food vendors; and
 - (3) Provide economic development opportunities to smaller entrepreneurs; and
 - (4) Attempt to mitigate the potential negative impact to established brick and mortar dining establishments by mobile food vendors.
- (b) *Applicability.* It shall be unlawful for any person to engage in the business of mobile food vending or the operation of a mobile food vehicle as defined above unless such person has obtained a mobile vending permit from the city finance department, except as exempted herein.
- (c) *Application procedure.* Applicants may request a mobile vending permit for mobile food vending from the office of the director of finance of the city. The application shall contain all information relevant and necessary to determine whether a particular permit may be issued, including, but not necessarily limited to:
- (1) The applicant's full name, current address, telephone number, mailing address and proof of identity. The application shall also include a color photograph of the mobile food vehicle to which the permit will apply.
 - (2) A brief description of the nature, character, and quality of foods to be offered for sale.
 - (3) Site plan showing proposed location and distances in compliance with the location requirements outlined in subsection (f)(3), including manufacturers specifications for decibel range of the generator used to provide power to the vehicle, if any.
 - (4) Written express consent of the property owner to operate a mobile food vending business on the property.
 - (5) A copy of a current State of Colorado Health Department Inspection Certificate for the subject vehicle.
 - (6) If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation of employment.
 - (7) Make, year, model, color, and license number of the mobile food vehicle to which the permit shall apply.
 - (8) Written approval from the city zoning administrator or public works director.
 - (9) A signed statement that the applicant shall hold harmless the city and its officers and employees, and shall indemnify the city, its officers, and employees for any claims of property damage or injury to persons which may be occasioned by any activity carried out under the terms of the permit.
 - (10) If the applicant will be operating on city property or rights of way in a designated food zone, the applicant shall also furnish and maintain such public liability, food products liability, and property damage insurance as will protect vendor, property owners, and the city from all claims for damage to property or bodily injury, including death, which may arise from the operations under the permit or in connection therewith. Such insurance shall provide coverage of not less

than one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per accident or occurrence. The policy shall further provide that it shall not be cancelled except upon thirty (30) days written notice served upon the City of Alamosa, Office of the Director of Finance, 300 Hunt Avenue, Alamosa, Colorado 81101. A permit issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the director of finance. Proof of insurance must be shown for each mobile food vehicle in operation.

- (11) Applicant shall pay that fee as adopted from time to time by the city council at the time of application, application fees are non-refundable.
- (12) The applicant shall be notified in writing by the finance director or his/her designee of the city's decision to issue or deny the mobile vending permit not later than ten (10) business days after the applicant has filed a completed application with the finance department.
- (13) Each permit shall show the name and address of the mobile vendor, the type of permit issued, the nature of the food to be sold, the cost of the permit, the date of issuance, the date of expiration, and a brief description of the mobile food vehicle.
- (14) Any permit issued by the director of finance or his/her designee shall be carried with the vendor whenever they are engaged in activities regulated under this permit and conspicuously displayed on the mobile food vehicle adjacent to the current state health inspection certificate.

(d) *Expiration and renewal.*

- (1) All mobile food vending permits expire annually at midnight on December 31st. A permit may be renewed, provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The finance director or his/her designee shall review each application for renewal, and upon determining that the applicant is in full compliance with the provision of these regulations, shall issue a new permit.

(e) *Exemptions.*

- (1) *Exempt activities.* The provisions of this section do not apply to:
 - a. Temporary sales to benefit non-profit organizations, schools, youth or youth groups and conducted on private property provided such sales last no longer than two (2) consecutive days.
 - b. Ice cream trucks. All ice cream trucks are required to obtain a business license. An ice cream truck shall not be required to apply for a mobile food vending permit unless and except it wishes to operate in a designated food zone or mobile food vendor park. Except as herein provided, it shall be unlawful for any ice cream truck, while engaged in the business of selling, to stop or stand or permit or suffer any vehicle to do so upon any street of the city except during the actual sale of its ice cream product. In no event shall an ice cream truck be or remain upon any street or sidewalk longer than is reasonable to conduct a sale; such time not to exceed five (5) minutes.
- (2) *Claims of exemption.* Any person claiming to be legally exempt from the regulations set forth herein, or from the payment of a permit fee, shall cite to the finance director or his/her designee, the statute or other legal authority under which exemption is claimed and shall present proof of qualification of such exemption.

(f) *General rules and regulations.*

- (1) Mobile food vendors shall be permitted on all developed private property with a primary use (parking, retail, office, etc.) in areas of the city with underlying commercial and industrial zonings with written owner permission and all areas within the downtown design overlay district as depicted on the official zoning map of the city. Mobile food vendors shall not be permitted in any residential zoning unless the requested site has been designated a food zone by the city.

- (2) Mobile food vending shall not be permitted on undeveloped property lacking a primary use in any zoning district.
- (3) No mobile food vendor shall be permitted to operate in the following areas:
 - a. Within any residential zoning unless the proposed location has been designated a food zone by the city.
 - b. Outside of the required building setbacks as defined in article V.
 - c. Within thirty (30) feet of any stop sign, street intersection, pedestrian crosswalk, driveway, or loading zone.
 - d. Within fifty (50) feet of any primary building entrance or within twenty (20) feet of an emergency or secondary entrance that is defined as a point of ingress or egress that is normally locked during business hours.
 - e. Within fifteen (15) feet of any fire hydrant.
 - f. Within fifteen (15) feet of any parking space or access ramp designated for persons with physical disabilities.
 - g. Within any publicly owned parking lot unless that area has been specifically designated a food zone by the city.
 - h. Within two hundred (200) feet of a public entrance to a brick and mortar dining establishment not owned by the mobile food vendor unless permission in writing is obtained from the owner of record of the property and the operator of the establishment if other than the owner. Said two hundred (200) feet shall be measured in a straight line from the location of the mobile food vehicle to the nearest existing public entrance of the established restaurant.
 - i. Within any area that obstructs pedestrian traffic.
 - j. On any vacant or undeveloped property.
 - k. Within two hundred (200) feet of any primary or secondary school. Two hundred (200) feet shall be measured to the nearest point on the lot line of the school property.
- (4) A developed property proposed for the siting of a mobile food vendor shall have fifty (50) feet of minimum frontage adjacent to a dedicated public street, developed ingress and egress, and hard surface paving to a point that will contain the mobile food vehicle behind the building setback line required by the underlying zoning and allow patrons to exit the property without backing into the public street.
- (5) Mobile food vending on private property shall in no way alleviate the compliance requirement for property owners to meet off street parking and loading requirements for the primary use of the property as provided for in section 21-171.
- (6) Mobile food vendors shall provide for adequate solid waste receptacles and shall be responsible for the cleanliness and neat appearance of the sidewalks, roadways, and other spaces adjacent to their vending sites by keeping them clean and free of paper, peelings, and refuse of any kind generated from the operation of their business. The use of public trash receptacles shall be prohibited.
- (7) No person or entity authorized to engage in the business of mobile food vending under these regulations shall be permitted to do any of the following under any circumstances:
 - a. Unduly obstruct pedestrian or motor vehicle traffic.
 - b. Obstruct traffic signals or signs.
 - c. Stop, stand, or park any mobile food vehicle upon any street or public way for the purpose of selling unless that area has been designated a food zone by the city.

- d. Operate any mobile food vehicle that when fully loaded and operating cannot be easily moved and maintained under control by the permittee, his employee or an attendant.
 - e. Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.
 - f. Conduct his/her business in any way that would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay on any public street or travelled way, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - g. Install or erect any free-standing signage not in full compliance with chapter 21, article X.
 - h. Run hoses, electric cords, gas lines, or other apparatus to the mobile food vehicle in any manner that presents an unsafe condition to pedestrians or the motoring public. Any power generated on site shall be produced with a generation sound level not to exceed eighty (80) decibels at the source.
- (8) Hours of operation shall be limited to the hours between 6:00 a.m. and 2:30 a.m. When operating within three hundred (300) feet of an occupied residence, hours will be limited to between 8:00 a.m. and 9:00 p.m. unless that residence is located in the downtown design overlay in which case hours of operation will continue to be allowed between the hours of 6:00 a.m. [and] 2:30 a.m. Vendors shall be allotted thirty (30) minutes set-up and thirty (30) minutes breakdown before and after allowed hours of operation.
- (9) All locations are subject to the regulations and other requirements established by the health department.
- (10) Mobile food vending within a public street shall occur only from the side of a vehicle that is parked abutting and parallel to the curb or edge of travelled way.
- (11) No mobile food vehicle shall have a drive through service.
- (12) Any mobile food vendor operating at any location not permitted by these regulations or outside of the allowable hours of operation shall be deemed to be operating without a permit in violation of this Code and may be subject to enforcement.
- (13) Any new business that opens or moves near an existing mobile food vendor park, established food zone, or historically occupied private property shall be deemed to have accepted the proximity of the existing use.
- (g) *Temporary food zone designation.*
- (1) A temporary food zone permit allows mobile food vendors the opportunity to serve specific events for the duration of the event so long as mobile food vending is not associated with said event. These permits are allowed only when the timing and place of said activity does not conflict with the city's desire to protect the safe and convenient use of public rights-of-way. It is the city's intent to control pedestrian and street congestion as it relates to the operation of mobile food businesses and the proximity to established brick and mortar businesses. This permit is primarily used to grant permission to operate in locations within public rights-of-way that have not been designated as food zones by the city.
- (2) Application procedure.
- a. The applicant must make application a minimum of thirty (30) days in advance of the event for which the temporary food zone designation will apply.
 - b. Applicant must first possess a current mobile food vendor permit.
 - c. The temporary food zone permit shall only be issued for an event abutting a curb space in the right of way, it shall not apply to operation on private property.
 - d. The temporary food zone permit shall be subject to the same rules and regulations governing the primary permit.

- e. The permit application shall be reviewed by the city police department, the department of public works, and the department of parks and recreation.
- f. The following items will be considered prior to the issuance of the temporary food zone permit:

- Public safety concerns
- Access to entrances and exits to city parks and publicly owned facilities
- Conflicts with existing businesses and concessionaires, permitted events, or other special activities occurring in the area

- g. Upon approval, the city shall provide the permittee evidence of its authorization for a temporary food zone. It shall be the responsibility of the permittee to secure any temporary zone that has been authorized by the permit. The city shall not be held liable for the failure of the permittee to secure the temporary zone once approval is provided.

- (h) *Mobile food vendor park designation.* Any property owner that wishes to make a single parcel available to more than two (2) mobile food vendors simultaneously shall apply to the department of public works for a mobile food vendor park designation. This is considered a permitted use by special review in all zoning districts and shall be obtained by the process outlined in chapter 21, article VI.

- (i) *Suspension and revocation of permit.*

- (1) *Conditions for suspension/revocation of permit.* Any permit issued under these regulations may be suspended or revoked for any of the following reasons:

- a. Fraud, misrepresentation or knowingly providing a false statement in the application for the permit.
- b. Fraud, misrepresentation or knowingly providing a false statement in the course of performing the activities regulated by this permit.
- c. Conducting the operations regulated by this permit in any manner contrary to the conditions of the permit.
- d. Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare, or morals, or interfere with the rights of abutting property owners.
- e. Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations.
- f. The permittee or any of its principals has been convicted of any crime that involves any local, state, or federal law or regulation arising out of the operation of a similar business.
- g. The permittee or any of its agents is in default on any payments owed to the city.
- h. The permittee or any of its agents or employees interfere with an inspection of the mobile food vehicle by a health department inspector.

- (2) *Notification of suspension or revocation.* The city finance director or his/her designee shall provide written notice of the proposed suspension or revocation in a brief statement setting forth the complaint and the grounds for suspension or revocation. Such notice shall be mailed to the address shown on the permit holder's application by certified mail, return receipt requested.

- (3) *Fine in lieu of suspension or revocation.* The city may choose, at its sole discretion, to offer the permittee the opportunity to pay a fine in lieu of permit suspension or revocation. In that event, the mobile food vendor shall be subject to a fine of up to five hundred dollars (\$500.00) per

violation. Each violation shall constitute a separate and distinct offense. Each day shall be considered a separate offense.

- (4) *Forfeiture of fee.* If the city revokes a vending permit, the fee already paid for the permit shall be forfeited. A person whose permit has been revoked under this section may not apply for a new permit for a period of one (1) year from the date that the revocation took effect.

([Ord. No. 21-2015, § 5, 11-18-15](#))