



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: _____

ORDINANCE NO. 23-2024

**AN ORDINANCE AMENDING MOBILE FOOD VENDING
REGULATIONS**

WHEREAS, mobile food vendors are an evolving national trend and provide the useful service of fast, convenient, and varied dining options in business areas; and

WHEREAS, the City of Alamosa recognizes the need to protect the investments made in the community by traditional brick and mortar restaurants, while also attempting to balance reasonable restrictions regarding the location for mobile food vending; and

WHEREAS, City Council desires to encourage the business and retail opportunities necessary to create and maintain a vibrant and economically sustainable community; and

WHEREAS, City Council has determined it to be in the best interest of the public health, safety, and welfare of the citizens of the City of Alamosa to modify the regulations specific to the operation of mobile food vendors within the City.

NOW THEREFORE BE IT ORDAINED by the City Council of Alamosa as follows:

Section 1. Amendment of Section 10-221. This change requires a majority of affected businesses to approve a location within that distance, allows mobile food vending on vacant lots with some kind of surface treatment, and provides for exemptions for specific approved special events. This ordinance also updates code references to Chapter 21 and cleans up other small inconsistencies. The new ordinance shall read in its entirety as follows:

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 rather to regulate specific activities that are commercial in nature. It is the intent of these regulations to:

- (1) Establishing a uniform set of fair and equitable rules and regulations to be applied consistently to mobile food vendors; and
- (2) Provide economic development opportunities to smaller entrepreneurs;
and

- (3) Attempt to mitigate potential negative impacts to established brick and mortar dining establishments by mobile food vendors.
- (b) *Permit Required - violations.* It shall be unlawful for any person to engage in the business of mobile food vending or the operation of a *mobile food vehicle* unless such person has obtained a *mobile vending permit* from the city finance department, except as exempted herein. Mobile food vending shall mean any food or beverage sold in a ready-to-consume state. Each day a person required to have a permit operates without such permit in place shall be considered a separate violation. It shall also be unlawful for any person to engage in the business of mobile food vending or the operation of a mobile food vehicle in contravention of any of the requirements of this Section or of any limitations or restrictions stated in the permit.
- (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 brief description of foods to be offered for sale.
 - (3) Site plan showing proposed location and distances in compliance with the location requirements of this section, as well as the manufacturer's 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 Development Services Department or their designee.

- (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 canceled 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 their 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, a brief description 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.* All mobile food vending permits expire annually at midnight on December 31st and must be renewed annually. The existence of any of the following shall be grounds for denying renewal of a permit:
- (1) Fraud, misrepresentation, or false statements.
 - (2) Violations of permit conditions or regulations.

- (3) Creating a public nuisance, causing a breach of peace, or endangering public health, safety, welfare, or morals.
- (4) Uncorrected health or sanitation violations resulting in cancellation of health department authorization.
- (5) Conviction of a crime related to operating a similar business.
- (6) Default on payments owed to the City.
- (7) Interference with health department inspections.

(e) *Exemptions.*

(1) *Exempt activities.* The provisions of this section do not apply to:

- a. Large special events located in City of Alamosa parks where food is an integral part of the event. By way of example and not limitation, such events have historically included carnivals, Summerfest on the Rio, the Alamosa Rodeo, Beat the Heat, and Early Iron.
- b. 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.
- c. 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 the operator 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 Business, Industrial, and Central Business District zonings as depicted on the official zoning map of the city provided they

have written owner permission. Mobile food zones in city-owned parking lots and street right-of-ways may be designated by resolution of City Council.

- (2) 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 chapter 21, division 4-3.
 - c. Within twenty-five (25) feet of any stop sign, street intersection, pedestrian crosswalk, driveway, or loading zone.
 - d. Within fifteen (15) feet of any fire hydrant.
 - e. Within fifteen (15) feet of any parking space or access ramp designated for persons with physical disabilities.
 - f. Within any area that obstructs pedestrian traffic.
 - g. Within any publicly owned parking lot or street right-of-way unless that area has been specifically designated a food zone by the City or authorized as a part of an approved special event. In no event shall a mobile food vehicle be permitted to operate within the right-of-way of Main Street or Sixth Street.
 - 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 more than half of the operators of dining establishments within 200 feet. 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. On any vacant or undeveloped property, unless the property is surfaced with asphalt, concrete, gravel, road base, or similar surfacing treatment to minimize dust and weeds.
 - j. 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.
- (3) 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 sufficient area to locate 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.

- (4) 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 21-5-203.
- (5) 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.
- (6) 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 cannot be easily moved and maintained under control by the permittee or an attendant when fully loaded and operating.
 - 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 business in any way that would restrict or interfere with ingress or egress, create a nuisance, increase traffic congestion, constitute a hazard to traffic, life or property, or obstruct access to emergency and sanitation vehicles.
 - g. Install or erect any free-standing signage not in full compliance with chapter 21, division 4-7.
 - h. Run hoses, electric cords, gas lines, or other apparatus to the mobile food vehicle in an unsafe manner. Any power generated on site shall be produced with a generation sound level not to exceed eighty (80) decibels at the source.
- (7) 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 Central Business District 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.

- (8) All locations are subject to the regulations and other requirements established by the county health department.
- (9) 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 traveled way.
- (10) If operating in a right-of-way, parking lot, or other city-controlled property, it shall be the responsibility of the permittee to secure any location that has been authorized. The City shall not be held liable for the failure of the permittee to secure the approved location once authorization is provided.
- (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.
- (14) Mobile food vendors must ensure their license is prominently displayed and visible to the public while operating within the city.

(g) *Procedures for Approved Special Events.*

- (1) Mobile food vendors may, with prior approval, operate within the public right-of-way or in city-owned parking lots during approved special events so long as 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 and parking lots. It is the City's intent to control pedestrian, street, and parking lot congestion as it relates to the operation of mobile food businesses.
- (2) Application procedure.

- a. The applicant must submit a site plan a minimum of fourteen (14) days in advance of the approved special event. The site plan must comply with (f)(2)c through g of this section.
 - b. Applicants must first possess or obtain a current mobile food vendor permit.
 - c. Any approval shall only be valid for the duration of the special event.
 - d. The following items will be considered prior to the authorization to use public space:
 - (i) Public safety concerns and circulation.
 - (ii) Access to entrances and exits to buildings.
 - (iii) Conflicts with existing businesses and concessionaires (offers the same fare), permitted events, or other special activities occurring in the area.
 - e. Upon approval, the City shall provide the permittee evidence of its authorization to operate in the right-of-way, parking lot, or other city-controlled property. It shall be the responsibility of the permittee to secure any location that has been authorized by the permit and to coordinate with and receive approval from the sponsor or host of the special event.
- (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 development services department for a mobile food vendor park designation. This shall be processed as a Temporary Retail Use under section 21-2-403. Mobile food vehicles shall be considered a structure for the purposes of that section

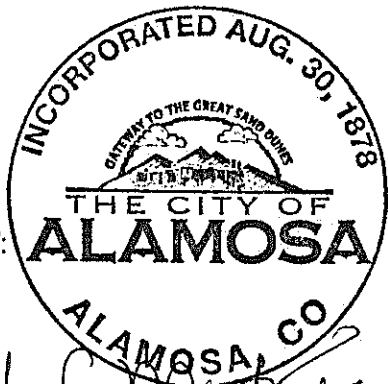
Section 2. Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City’s website and in the office of the City Clerk.

Section 3. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 4. Codification. The City Clerk is directed to codify the provisions of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein.

INTRODUCED, READ AND APPROVED on first reading the 18th day of September, 2024, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 2nd day of October, 2024, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 2nd day of October, 2024.



ATTEST:

Holly C. Martinez
Holly C. Martinez, City Clerk

CITY OF ALAMOSAS

By *Ty Coleman*
Ty Coleman, Mayor