

ORDINANCE NO. 5
(Series 2021)

AN ORDINANCE AMENDING THE GEORGETOWN MUNICIPAL CODE BY THE ADDITION OF AN A NEW SECTION GOVERNING MOBILE FOOD VENDORS

WHEREAS, the Town of Georgetown is a Colorado municipal corporation operating under a Territorial Charter and governed by its Board of Selectmen; and

WHEREAS, the Georgetown Board of Selectmen ("Board") is authorized by the Territorial Charter and the Colorado Revised Statutes to enact ordinances for the preservation of the public health, safety, and welfare, including land use and zoning; and

WHEREAS, in the exercise of this authority, the Board has adopted Title 17 of the Georgetown Municipal Code, concerning land use and zoning; and

WHEREAS, upon the recommendation of the Business Promotions Commission the Board wishes to amend this chapter by the addition of a new section governing mobile food vendors.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN, COLORADO:

Section 1. Mobile food vendor regulations. Title 17 of the Georgetown Municipal Code is hereby amended by the addition of a new section 17.20.090, to read as follows:

17.20.90 Mobile food vendors.

- (a) **Purpose and Intent.** This section is enacted in order to permit and encourage the reasonable location and activity of mobile food vendors, sometimes referred to as "food trucks," in certain areas of the town and subject to regulations to properly address the impacts of such vendors on existing permanent (brick-and-mortar) businesses, as well as to provide for public access and safety associated with mobile food vendors' activities.

- (b) **Definitions.** The following terms used in this section are defined:

Mobile food vendor means a commercial vendor of food and beverages from a mobile vehicle or cart which is not permanently attached to the ground and is fully capable of being relocated within ½ (one half) hour of being required to do so. This term includes "food trucks," as commonly recognized, and may include vehicles or units which are self-powered or may be towed, the requirement being that such vehicles are capable of being moved readily.

Public street means any public street, road, alley or other right-of-way owned by the Town by prescription, dedication, in fee or via a right-of-way easement.

- (c) **Application required, records.** All proposed mobile food vendors must first obtain a license to operate within the Town by making application for the same on forms maintained by the Town Clerk. The application must be accompanied by the following:

- (1) Annual licensing and administration fee and a daily fee for every day for which the license is requested for active use, as recited in the Town's current Fee Schedule, provided, mobile food vendor licensees who are nonprofit organizations based within Clear Creek County are exempt from paying annual and daily fees.
- (2) a state sales tax ID
- (3) description of the proposed mobile food vending vehicle, accompanied by a photograph
- (4) a parking and seating plan for customers, if applicable
- (5) A current health inspection certification from the relevant county department of public health.

The Town will be responsible for maintaining records of mobile food vendors and enforcing a scoring system to ensure the mobile food vendors follow the requirements of this section.

(d) Review procedure; appeals.

- (1) No application will be processed until the Town staff determines that it is complete. Upon receipt of a complete application, the Town staff will refer the same to the Clear Creek County Fire Authority for review and comment. Such review must be obtained within fifteen (15) days.
- (2) Upon receipt of all review comments or the expiration of the time for the same, the Town Administrator shall grant, grant with conditions, or deny the application.
- (3) The decision of the Town Administrator to grant, grant with conditions or deny the application for food truck license may be appealed to the Business Promotions Commission. All appeals shall be filed in writing within 10 days of the date of issuance of the decision being appealed.
- (4) The Business Promotions Commission shall hear the appeal de novo. The decision of the Business Promotion Commission shall be the final appeal body in all cases, subject only to appeal to the District Court.

(e) Permitted locations. Mobile food vendors, once licensed by the Town, are permitted to operate in the following areas within the town and at the specific location identified in the issued license:

- (1) Public property and rights-of-way, including public streets and property owned by the Town, subject to being identified as available in the issued license for the specific mobile food vendor.
- (2) A mobile food vendor shall not be allowed to occupy any identified public street parking spaces unless the street has been closed for a special event, and in that circumstance, mobile food vendors must be moved upon request by the Town.

Section 2. Section 17-26-010 of the Code (temporary uses permitted) is amended by amending the table in that section to delete the last line regarding food trucks.

Section 3. Effective date. This ordinance shall take effect upon final adoption as provided by Section 5.26 of the Territorial Charter.

INTRODUCED, READ, APPROVED AND ORDERED POSTED IN FULL ON FIRST READING on the 24th day of August 2021.

INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED POSTED AFTER PUBLIC HEARING on the 14th day of September 2021.

TOWN OF GEORGETOWN

By: 
Lynette Kelsey, Police Judge

ATTEST:


Jennifer Yobski, Town Clerk

Posted up in full on the Town's website and at Town Hall and two (2) other designated posting locations within the limits of the Town after final adoption, in accordance with Section 5.26 of the Territorial Charter.


Jennifer Yobski, Town Clerk

Date: 9/22/21



- (3) Private property with written permission from the owner of the same (private events excluded).
 - (4) Mobile food vendors wishing to locate anywhere within the Historic Commercial zoning district (other than on exclusively private property within that district) must have Town approval to do so as a condition of the issued license.
 - (5) Mobile food vendor licensees who are nonprofit organizations based within Clear Creek County are exempt from paying annual and daily fees.
 - (6) When not in service to the public for more than one day, mobile food vendors must relocate their vehicle to a location designated by Town staff.
- (f) Time limitations: A mobile food vendor shall be allowed to operate up to ten days or four weekends within a one (1) year period on the dates specified in the issued license. This time limit may be extended by the Town Administrator in his/her sole discretion, but only to the extent the mobile food vendor does not have a history of violations of its license or of any other ordinance or regulation of the Town, and that there have not been any verified complaints from business owners with respect to its operation.
- (g) License conditions. When issuing a mobile food vendor license, the Town Administrator may include any conditions necessary to protect public health, safety, or welfare, or that of adjacent property owners. In addition, all mobile food vendor licenses shall be subject to the following conditions:
- (1) The mobile food vendor shall operate only in the specific location identified in the issued license.
 - (2) Only food, nonalcoholic beverages, and branded merchandise specific to the mobile food vendor may be sold.
 - (3) Hours of operation must be maintained as indicated on the licensed application and as ultimately permitted by the issued license.
 - (4) All mobile food vendors shall maintain a clean and organized location that falls within current town guidelines as outlined by the Town Code.
 - (5) All mobile food vendors will comply with all local ordinances regarding lighting, decorations, noise, signage including sandwich board signs.
 - (6) Mobile food vendors will be responsible for furnishing the following:
 - a. daily trash removal; trash and all facilities to be wildlife resistant
 - b. adequate parking and seating plan for customers, if applicable
 - c. removal of grease or other waste in appropriate containers
 - d. reporting and paying all current applicable taxes
 - e. applicable insurance policy