

**CITY OF EVANS, COLORADO**

**ORDINANCE NO. 720-20**

**AN ORDINANCE AMENDING TITLES 3, 5 AND 18 OF THE EVANS MUNICIPAL CODE TO ALLOW MOBILE FOOD VENDING IN THE CITY OF EVANS**

**WHEREAS**, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

**WHEREAS**, Title 3 of the Evans Municipal Code addresses Revenue and Finance and in particular Section 3.04.030 defines uses; and

**WHEREAS**, Title 5 of the Evans Municipal Code addresses Business Taxes, Licenses and Regulations; and

**WHEREAS**, Title 18 of the Evans Municipal Code addresses Land Development and in particular, Section 18.05.030 addresses Temporary Uses; and

**WHEREAS**, the City Council has determined that in order to ensure the ability to allow Mobile Food Vendors in the City, amendments to the Municipal Code Titles 3, 5 and 18 are necessary.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

1. Sections 3.04.030 and 5.12.010 of the Evans Municipal Code is hereby amended to include a definition of Mobile Food Vending to read as follows:

**3.04.030 – Definitions**

**Mobile Food Vending:** The use of a legal motorized wheeled vehicle, legal towed wheeled vehicle, or pushcart, or other temporary operation designed and equipped to prepare and or serve food and or non-alcoholic beverages. A Mobile Food Vendor is required to obtain a Temporary Use Permit and License through the City of Evans. For additional information please refer to Chapter 18.

2. Section 5.12.080.A of the Evans Municipal Code is hereby amended to increase the amount of time needed to process Temporary Use Permits from one (1) to five (5) business days.

**5.12.080.A - Application for license fee.**

An application for a license under this Chapter shall be submitted to the City Clerk no less than ~~one (1)~~ **five (5)** working day prior to the first day of proposed operation. The application shall be accompanied by a non-refundable application fee. Such fee is established by City Council by resolution.

3. Section 5.12.040.G of the Evans Municipal Code is hereby amended to define application materials consistent with actual needs.

5.12.040.G License Application requirements

Two recent and duplicated photographs of the applicant which picture shall be approximately two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguished manner;

4. 5.12.060 - Bond. This section is an obsolete provision and is proposed to be deleted.

~~Every applicant not a resident of the County, or who being such resident, represents a firm whose principal place of business is located outside of the State, shall file with the City Clerk a surety bond running to the City in the amount of one thousand dollars (\$1,000.00), with surety acceptable to and approved by the Council conditioned that the applicant shall comply fully with all the provisions of this Code and state statutes regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants or itinerant vendors, as the case may be, guaranteeing to any citizen of the City that all money paid as a down payment will be accounted for and applied according to the representations of the licensee and further guaranteeing to any citizen of the City doing business with said solicitor, that the property purchased will be delivered according to the representations of the solicitor. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the fact amount of the bond to the clerk of the court in which suit is commenced, be relieved without costs of all further liability.~~

6. Section 18.03.010 of the Evans Municipal Code is hereby amended to include the following definitions.

Food: Shall mean a raw, cooked or processed edible substance, ice, beverage or ingredient used or intended to be used or for sale in whole or in part for human consumption.

Mobile Food Vending: The use of a legal motorized wheeled vehicle, legal towed wheeled vehicle, or pushcart, or other temporary operation designed and equipped to prepare and or serve food and or non-alcoholic beverages. A Mobile Food Vendor is required to obtain a Temporary Use Permit and License through the City of Evans.

Mobile Food Vending Rally: A temporary or periodic special event, operating under a Temporary Use Permit and License through the City of Evans, when more than two outdoor vendors (such as food trucks and carts) are present, held on improved private property with permission of the owner thereof, and only serving pedestrians.

Motor Vehicle means a vehicle required to be registered under C.R.S., Title 42.

Trailer shall mean an object with wheels but without an engine and designed to be towed by a vehicle, including but not limited to travel trailers, trailer homes, boat trailers, utility trailers, horse trailers and trailers for hauling snowmobiles, motorcycles, etc.

7. Section 18.05.030.D of the Evans Municipal Code lists uses the City of Evans would contemplate approving for Temporary Uses. This Section is hereby amended to include Mobile Food Vendors. Section 18.05.030.D. of the Evans Municipal Code shall be amended to allow for Mobile Food Vendors with conditions.

D. Temporary Uses. The intended purpose of a temporary use is for selling a product, food, or to provide a temporary service which is for a short duration or seasonal in nature.

1.h. Mobile Food Vendor

2. Temporary uses are subject to a temporary use permit. The proposed temporary use shall only be in operation for the duration described in this Section below during any calendar year. All temporary use permits expire December 31 of the year in which a temporary use permit is issued. The applicant will be allowed seven (7) days to set up before the effective date of the permit and to remove seven (7) days after the expiration of the permit. This provision does not apply to Mobile Food Vendors who will be required to set up and vacate the premises the day of their tenure on the property. In the event of a multi-day event, Mobile Food Vendors shall be allowed to stay on site for the event duration.

3. The property where the proposed temporary use is to be located, and/or the property owner of record, shall not have any outstanding land use, nuisance code and/or building code violations; or outstanding obligations to the City.

5. The proposed temporary use must be compatible with surrounding uses and have a positive impact on the community, which includes, but is not limited to, aesthetics, site design, architectural compatibility, lighting, noise, odors, nuisance conditions, and the absence of negative traffic and access impacts. No signs are allowed for Mobile Food Vendors other than logos and menus on vehicles and one sandwich board sign not exceeding twenty-four square feet in total surface area located within fifty feet of the vehicle. The signs permitted by this Section are authorized despite the provisions of Section 18.09.050.N regarding Sandwich Board Signs due to the unique nature of Mobile Food Vendors.

6. Location of Temporary Uses. For temporary uses proposed to be located on private property, written permission must be obtained from the property owner(s) and included in the application packet submitted to the City. If the use is proposed to be located on City rights-of-way or City-owned property, a community event permit and license agreement must be approved by the City. Mobile Food Vendors are not permitted to be located in City rights-of-way but may be permitted with permission on City owned property.

7. Temporary structures, such as tents, sheds and trailers, may be utilized with a temporary use, so long as such temporary structures comply with the regulations and permitting requirements of the City and other referral **and regulatory** agencies, including all electrical and generator connections, **State and County licenses/permits**, and the requirements of this Section. Operable vehicles, such as RVs or semi-trucks, may also be used with a temporary use, subject to the requirements of this Section. **Mobile Food Vendors must be located on improved surfaces such as a paved parking lot.** At the termination of the temporary use, the temporary structures and vehicles must be removed within the seven-day removal time. **Mobile Food Vendors must vacate the premises immediately following the event or the approved single-day use.**

10. Temporary Mobile Food Vendors are not allowed to occupy a single property for a duration greater than 10 days per month. The application for a Temporary Mobile Food Vendor shall include the dates of tenancy on each property in Evans.

11. The Community Development Director, or their designee, shall determine if the proposed temporary use conforms to the requirements of the Land Use Code as applied to any specified location. If the Community Development Director determines the proposed use is not in compliance with the requirements of the Land Use Code, the proposed use shall not be approved.

8. Section 18.05.030.G of the Evans Municipal Code is hereby amended as described below.

G. The table following Section G shall be amended to include the following:

Temporary Use	Duration	Extension
Mobile Food Vendors	Either at the end of the special event or at the end of business on the day permitted for use as specified in the Temporary Use Permit	No

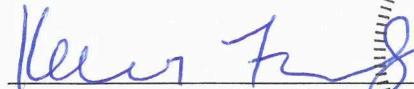
9. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

10. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any

ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 17<sup>th</sup> DAY OF JUNE, 2020.**

**ATTEST:**

  
\_\_\_\_\_  
Karen Frawley, City Clerk



**CITY OF EVANS, COLORADO**

  
\_\_\_\_\_  
Brian Rudy, Mayor

**PASSED AND ADOPTED ON A SECOND READING THIS 7 DAY OF JULY, 2020.**

**ATTEST:**

  
\_\_\_\_\_  
Karen Frawley, City Clerk



**CITY OF EVANS, COLORADO**

  
\_\_\_\_\_  
Brian Rudy, Mayor

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5. Section 5.12.110.I of the Evans Municipal Code is hereby amended to define time parameters for door-to-door solicitation.

5.12.110 - Restrictions and operations.

I. Door-to-door solicitation is limited to 10:00am to 7:00pm. No solicitation shall occur on nationally recognized holidays.

6. Section 18.03.010 of the Evans Municipal Code is hereby amended to include the following definitions.

Food: Shall mean a raw, cooked or processed edible substance, ice, beverage or ingredient used or intended to be used or for sale in whole or in part for human consumption.

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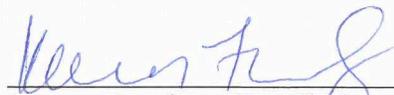
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Mobile Food Vendors	Either at the end of the special event or at the end of business on the day permitted for use as specified in the Temporary Use Permit	No

9. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

10. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 16th DAY OF JUNE, 2020.**

**ATTEST:**

  
\_\_\_\_\_  
Karen Frawley, City Clerk



  
\_\_\_\_\_  
Brian Rudy, Mayor

**PASSED AND ADOPTED ON A SECOND READING THIS \_\_\_\_\_ DAY OF JULY, 2020.**

**ATTEST:**

**CITY OF EVANS, COLORADO**

\_\_\_\_\_  
Karen Frawley, City Clerk

BY: \_\_\_\_\_  
Brian Rudy, Mayor