

ORDINANCE NO. 2119

INTRODUCED BY: AMADOR, BULLOCK, DIAZ, DOUGLAS, ELLIOTT, FORD,
MCELDOWNEY, TETER

AN ORDINANCE AMENDING SECTIONS 9-3302 AND 9-3303 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO THE LICENSING AND REGULATION OF OUTDOOR VENDORS

WHEREAS, Article III of Chapter 9 of the Commerce City Revised Municipal Code regulates for the licensure and safe operation of outdoor vendors in public places on the public rights-of-way within the City of Commerce City; and

WHEREAS, the ongoing application and interpretation of Article III of Chapter 9 of the Commerce City Revised Municipal Code has identified areas where modification and and/or clarification are needed in the interests of the City; and

WHEREAS, the City Council of the City of Commerce City finds and declares that these regulations are reasonable and necessary to protect the public health, safety, and welfare.

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

SECTION 1. Section 9-3302 of the Commerce City Revised Municipal Code is hereby amended to read as follows:

Sec. 9-3302. License requirements.

- (a) License Required. No person shall engage in the activities of an outdoor vendor without first obtaining a license in accordance with the provisions of this section.
- (1) A separate license is required for each location where an outdoor vendor operates.
 - (2) A single license may authorize up to ten (10) stops within a single location, provided a licensed outdoor vendor may temporarily operate at or adjacent to a City facility not identified in a license with the permission of the City Manager or his or her designee.
 - (3) If the location or one (1) or more stops for which the application is being made is located on private property, the outdoor vendor shall provide the city with the written consent of such property owner, lessee or other person in legal control of such property. No license issued under this chapter shall supersede the zoning for any property.
 - (4) Each structure or display device to be used by an outdoor vendor for on-site storage, display or sale shall be described on the face of the license.

- (b) Display of license. The outdoor vendor license shall be firmly attached to the structure or display device and visible to the public at all times during operation.

SECTION 2. Section 9-3303 of the Commerce City Revised Municipal Code is hereby amended to read as follows:

Sec. 9-3303. Restrictions and operations.

- (a) Distance Requirements. Outdoor vendors shall not operate:

- (1) Within 100 feet of the property line of a residential dwelling any time;
- (2) Within 300 feet of the property line of a residential dwelling between 9 p.m. and 7 a.m.;
- (3) If the outdoor vendor sells or attempts to sell food, within 175 feet of the property line of property occupied by any business, other than an outdoor vendor, offering prepared food for sale to the public while such business is open to the public; or
- (4) If the outdoor vendor sells or attempts to sell food, within 300 feet of a school during school hours.

- (b) Use of Public Spaces. Outdoor vendors shall not obstruct, impede or otherwise interfere with the public's use of public streets, rights-of-way, sidewalks, parking lots, metered parking spaces, parks or any other public property or place, unless otherwise expressly authorized by law. Except as otherwise expressly authorized by law, no structure or display device shall be located:

- (1) Within any portion of a street, alley, roadway or highway designed or ordinarily used for vehicular traffic, except for the purpose of transporting the licensee's goods, wares or merchandise to, from or within the designated location;
- (2) Upon a public sidewalk within thirty (30) feet of the extended boundaries of a crosswalk.
- (3) Within ten (10) feet of the extension of any building entranceway, doorway or driveway;
- (4) In any location in a manner that impedes, interferes with or visually obstructs the safe movement of vehicular or pedestrian traffic.

No outdoor vendor shall have any exclusive right to any location in the public streets, alleys or rights-of-way except as authorized by the City.

- (c) Health & Safety.

- (1) Outdoor vendors shall maintain each structure or display device in a safe condition so as not to create an unreasonable risk of harm to the person or property of others.
 - (2) Outdoor vendors shall not leave unattended any structure or display device shall be left unattended on a public right-of-way or at the designated location while it is in operation;
 - (3) Outdoor vendors shall maintain the area within twenty-five (25) feet of the structure or display device in a clean condition free of waste and litter and shall remove any waste or litter deposited by any person within such area.
 - (4) Outdoor vendors shall supply a waste receptacle of sufficient size and construction to accommodate waste and litter generated by the outdoor vendor's operations. Outdoor vendors operating in a common location may share waste receptacles provided that such receptacles are of sufficient size and construction to accommodate all waste and litter that may be generated by the outdoor vendors' operations. At the end of each day of operation, all waste receptacles shall be removed and all waste and litter disposed of therein shall be taken from the location and properly disposed of. Outdoor vendors are encouraged but not required to provide for the recycling of waste.
- (d) Receipts Required. No outdoor vendor selling any goods, food, merchandise or services to be delivered or provided at a future date, shall refuse or fail to give to a purchaser at the time of sale a written receipt that accurately sets forth: the name, mailing address and telephone number of the outdoor vendor; a description of the goods, merchandise or services to be delivered or provided; the anticipated date and manner of delivery or provision; the amount paid by the purchaser; the balance due on the purchase; and the terms of payment.
- (j) Fixed Locations Prohibited. No person shall allow any structure or display device used by an outdoor vendor to become permanently fixed to any property. No person shall allow any structure or display device used by an outdoor vendor to remain overnight at any stop or location without the permission of the property owner and in no event shall any such structure or display device remain overnight for more than three (3) nights.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 5TH DAY OF DECEMBER, 2016.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 9TH DAY OF JANUARY, 2017.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk