



City Council Communication

AGENDA DATE: December 15, 2025 **LEGISTAR ITEM #:** Ord 2751

PRESENTER: Dylan Gibson
Office

DEPARTMENT: City Manager's

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Public Hearing
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REQUEST

Approve an ordinance amending the Commerce City Revised Municipal Code (CCRMC) to comply with House Bill 25-1295 and make improvements to the code surrounding outdoor and mobile vendors to support more efficient license review and approval processes.

BACKGROUND

On May 20, 2025, Governor Polis signed House Bill 25-1295, "Food Truck Operations," into law. The act established a definition of 'mobile food establishment' and establishing reciprocity for certain licenses and permits between local government jurisdictions to allow a mobile food establishment to operate in multiple jurisdictions.

The act requires the owner or operator of a mobile food establishment that wishes to take advantage of this reciprocity to provide a copy of either their Denver license or the state license to the local government in which they intend to operate or to Denver at least 14 days in advance of when they intend to operate. When a mobile food establishment is operating in a local government jurisdiction, including Denver's jurisdiction, the mobile food establishment must comply with all laws of the local government and is subject to inspection and enforcement by the local government.

The act also establishes that a fire safety permit that has been issued to a mobile food establishment by a local government is valid in any other local government jurisdiction if the fire safety permit was issued:

- By a local government that has adopted the most recent international fire code or a fire code that has incorporated the

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minimum standards for mobile food establishments developed by the division of fire prevention and control; and

- After completing an inspection by a certified fire inspector.

The act requires that a mobile food establishment send a copy of the fire safety permit to the local government in which they intend to operate at least 14 days in advance of operation. While operating in a local government's jurisdiction, the mobile food establishment must comply with that local government's fire safety code and is subject to inspection and enforcement by the local government.

Commerce City Revised Municipal Code Division 3 of Article III of Chapter 9 is required to be updated to comply with the act, which takes effect on January 1, 2026. Staff is recommending making amendments to other provisions within this section of the code to add additional definitions, amend the "Exclusions" section, update the "License requirements" section to provide for more detailed licensing requirements, and amend the "Restrictions and operations" section to allow mobile food vendors to operate near residential zoned properties and near the property lines of businesses that sell prepared food during organized events or city-hosted events.

These changes will make the licensing requirements for outdoor and mobile vendors more transparent so they can be aware of the requirements for license application and operations. This also allows staff to work from a consistent set of requirements based on how the mobile and outdoor vendors operate. Lastly, this will increase community participation in organized neighborhood, community, and city events by allows food trucks to operate within certain areas that are currently prohibited due to setbacks.

Staff presented proposed changes to City Council on November 10, 2025. City Council was generally supportive of the proposed changes, but did ask for staff to reach out to the school districts to solicit feedback on the removal of setbacks from schools during school hours. City Clerk's Office staff reached out to 27J and Adams 14 school districts about the proposed changes and received feedback from Adams 14. Adams 14 states that having food trucks available at their school during school

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hours may impact their free and reduced lunch programs. As such, staff has added back in the setback from schools during school hours.

If the ordinance is approved after two readings, the licensing team within the City Clerk's Office will begin outreach with the current list of active outdoor vendor licenses to inform them of the new code requirements when they renew their licenses in 2026. Staff will monitor licensee feedback and comments and bring back any additional recommended changes to Council based on that feedback as necessary.

JUSTIFICATION

<input type="checkbox"/> Council Goal	<input type="checkbox"/> Strategic Plan	<input type="checkbox"/> Work Plan	<input checked="" type="checkbox"/> Legal
Citation	Compliance with HB25-1295.		

PUBLIC OUTREACH

Licensing staff reached out to Administration staff at the 27J and Adams 14 school districts.

AVAILABLE ACTIONS

- Available Action #1. Approve the ordinance as drafted.
- Available Action #2. Amend the ordinance to add, change, or remove specific provisions within the ordinance.
- Available Action #3. Continue the ordinance to a later date for staff to research any additional information the Council may desire.

STAFF RECOMMENDATION

e.g. Staff recommends action #1, approval of the item.