

ORDINANCE NO. 2751

AN ORDINANCE AMENDING DIVISION 3 OF ARTICLE III OF CHAPTER 9 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO UPDATE THE LICENSING AND REGULATION OF OUTDOOR VENDORS AND ESTABLISH LICENSING AND REGULATION REQUIREMENTS FOR MOBILE FOOD ESTABLISHMENTS

WHEREAS, the City of Commerce City (“City”) is a home rule municipality organized and existing pursuant to Article XX, Section 6 of the Colorado Constitution and its home rule charter;

WHEREAS, pursuant to the Charter of Commerce City (the “Charter”), the City has all legislative powers and functions of a home rule municipal government as reserved to it by the Colorado Constitution and laws of the State of Colorado;

WHEREAS, during the 2025 General Session, the General Assembly enacted House Bill 25-1295, which concerned the operation of food trucks in multiple jurisdictions, which necessitates revisions to the City’s current licensing structure for outdoor vendors;

WHEREAS, the City Council of Commerce City desires to amend the licensing requirements for outdoor vendors and establish a clear licensing process for mobile food establishments, commonly known as food trucks;

WHEREAS, the City finds and determines that amending the Commerce City Revised Municipal Code is in the best interest of the public for the welfare of the residents of the City.

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

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

SECTION 2. Amendment. Division 3 of Article III of Chapter 9 of the Commerce City Revised Municipal Code are hereby amended as set forth in Exhibit A, with a clean version of the amended code included as Exhibit B.

SECTION 3. Repealer. All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective pursuant to Section 5.3 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 15TH DAY OF DECEMBER 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 5TH DAY OF JANUARY 2026.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Kim Garland, Acting City Clerk

EXHIBIT A TO ORDINANCE NO. 2751

EXPLANATORY NOTE:

~~RED STRIKETHROUGHS INDICATE MATERIAL DELETED FROM EXISTING LAW;~~

BLUE UNDERLINES INDICATE MATERIAL ADDED TO EXISTING LAW.

DIVISION 3. OUTDOOR VENDORS AND MOBILE FOOD TRUCK ESTABLISHMENTS

Sec. 9-3300. Purpose and intent.

The purpose and intent of this division is to protect the health, safety and welfare of the public by licensing outdoor vendors and mobile food establishments selling food, goods or services in the city, to avoid over-crowding or other dangerous situations in public places and public rights-of-way and to allow pedestrian and vehicular movement in public areas and public rights-of-way.

It is further the purpose and intent of this division to avoid the suppression of speech activities protected by the First Amendment of the United States Constitution and the Colorado Constitution.

Sec. 9-3301. Definitions.

As used in this division, the following terms shall have the following meanings:

Applicant means a person who has applied for a license pursuant to this division.

Clerk means the City Clerk or their designee.

Fire safety permit means a permit or document issued by a local government that certifies that an outdoor vender or mobile food establishment meets the local government's fire safety standards and authorizes the person to operate a mobile fee establishment.

Food means all articles used for human consumption as food, drink, confectionery or condiments, whether simple, mixed or compound, and all substances or ingredients used in preparation thereof.

Retail food license means a license or document issued by the Colorado Department of Public Health and Environment or a local government that certifies that a food establishment meets applicable food safety standards and authorizes the licensee to operate as a retail food establishment.

Licensed business means any business licensed to operate as an outdoor vendor or mobile food establishment pursuant to this division.

Local government means an authority, a county, a municipality, a city and county, a district, or another political subdivision of the state or any department, agency, institution, or authority of a county, a municipality, a city and county, a district, or another political subdivision of the state.

Location means a specific geographic area within the boundaries of the city ~~,as determined by the city,~~ within from which a licensee licensed business may operate ~~under a single license.~~

~~Mobile vendor means an outdoor vender that makes stops at multiple sites within the city for the purpose of serving customers located at such sites.~~

Mobile food establishment means a retail food establishment that is operated from a moveable, motor-driven, or propelled vehicle, portable structure, or watercraft that can change locations and is intended to physically report to an operate from a commissary for servicing, restocking, and maintenance.

Outdoor means located in, conducted in or suited to the open air. This term shall not include structures or buildings that are completely enclosed on all sides and have a fully enclosed roof, but shall include any partially enclosed structure or building, including but not limited to outdoor stadiums and vending pods.

Outdoor vendor means any person who sells ~~or attempts to sell~~ services, goods, wares or merchandise, including food, from any a fixed outdoor location, ~~and who in furtherance of such purpose:~~

~~(1) Sells or attempts to sell directly to passersby within any public right-of-way; or~~

~~(2) Hires, leases, uses or occupies any readily movable structure or display device.~~

~~The following shall be excluded from the definition of outdoor vendor and shall be exempt from the provisions of this division:~~

~~(1) Any person distributing or disseminating information in the exercise of their First Amendment rights under the U.S. Constitution and the Colorado Constitution;~~

~~(2) Any federal, state, or local government;~~

~~(3) Any person selling from outdoor locations upon private premises who also sells the same or similar goods or services on a regular basis from indoor locations on such premises;~~

~~(4) Any person selling from a public sidewalk immediately adjacent to private premises, who also sells on a regular basis from indoor locations on such premises;~~

~~(5) Persons selling directly and exclusively to manufacturers, wholesalers or retailers for the purposes of resale;~~

~~(6) Yard sales or garage sales;~~

~~(7) Persons conducting an auction and subject to licensure under the provisions of the code; and~~

~~(8) Persons selling within the confines of a flea market licensed pursuant to this article.~~

Prepared food means any food that has been altered from its original state on the outdoor vendor's premises by cooking, chopping, slicing, mixing, freezing, or other processing.

Stakeholder means any agent, employee, or representative of a city department or division, or other local government, involved in the review, inspection, issuance, or enforcement of fire safety permits, retail food license, outdoor vendors, and mobile food establishments.

~~*Stop* means a specific site on which a mobile vendor conducts business.~~

~~*Structure or display device* shall mean and include, but shall not be limited to, any vehicle, kiosk, table, box, container or other such structure or display device.~~

~~(d) 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.~~

Sec. 9-3302. Exclusions.

This division shall not apply to:

(a) Vendors selling within the confines of a flea market that has been licensed pursuant to this article;

(b) Door-to-door peddlers;

(c) Outdoor vendors selling services, goods, wares, or merchandise, but excluding food, at one-day events; and

(d) Yard sales, garage sales, or similar events.

Sec. ~~9-3302~~ 9-3303. License requirements.

- (a) ~~License required.~~ No person shall engage in the activities of an outdoor vendor or mobile food establishment 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) An application for a license required by this division shall contain information as required by the clerk and other stakeholders to properly review a proposed license business to project the health, safety, and welfare of the public.
- (c) An applicant must submit an application at least fourteen (14) calendar days before operating within the city.
- (d) An applicant must provide the following with their application, as applicable:
- (1) Written consent of any owner, lessee, or person in legal control of the location where the outdoor vendor or mobile food establishment will operate, including the city manager or their designee for any city-sponsored event on city property. No license issued under this division shall supersede the zoning and permitted uses for any property.
 - (2) A diagram of each location(s) for which the outdoor vendor or mobile food establishment intends to operate within the boundaries of the city. Diagrams shall indicate the location of the vendor and any adjacent structures, streets, sidewalks, and/or any other vendors.
 - (3) For any outdoor vendor selling prepared food and for all mobile food establishments, the applicant must provide the following additional documents with the application:
 - (a) A valid fire safety permit; and
 - (b) A valid retail food license.
 - (4) For all mobile food establishments, the applicant must provide the following additional documents with the application:
 - (a) A valid driver's license for the owner of the vehicle and each potential driver of the vehicle;
 - (b) A valid registration for the vehicle from the Colorado division of motor vehicles or equivalent state agency for vehicles registered outside of Colorado; and
 - (c) Current proof of insurance for the vehicle.
- (e) An application shall be considered complete when all application questions and required documents, along with any fees, are submitted to the clerk. The clerk and all stakeholders shall review and either approve or deny an application within fourteen (14) calendar days. The review of an application may include, but not be limited to, the inspection of the outdoor vendor or mobile food establishment's proposed location, vehicle, and/or structure.

(f) A single license may authorize multiple locations from which an outdoor vendor or mobile retail food establishment may operate; provided, however, that a licensee must comply with the requirements of Section 9-3304(j) when operations expand to locations beyond what was identified in an application.

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

Sec. ~~9-3303~~ 9-3304. Restrictions and operations.

(a) *Distance requirements.* Outdoor vendors and mobile food establishments shall not operate:

- (1) Within one hundred (100) feet of the property line of a residential dwelling any time;
- (2) Within three hundred (300) feet of the property line of a residential dwelling between 9:00 p.m. and 7:00 a.m.;
- (3) ~~If the outdoor vendor sells or attempts to sell food, within~~ Within one hundred seventy-five (175) feet of the property line of property occupied by any ~~business~~ restaurant or similar establishment that sells or offers food, other than ~~an another outdoor vendor or mobile food establishment, 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 three hundred (300) feet of a school during school hours.

(b) *Use of public spaces.* Outdoor vendors and mobile food establishments 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~~ vehicle 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 or mobile food establishment 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 and safety.*

- (1) Outdoor vendors and mobile food establishments shall maintain each structure or ~~display device~~ vehicle in a safe condition so as not to create an unreasonable risk of harm to the person or property of others.
- (2) Outdoor vendors and mobile food establishments shall not leave unattended any structure or ~~display device~~ vehicle ~~shall be left unattended~~ on a public right-of-way or at the designated location while it is in operation;
- (3) Outdoor vendors and mobile food establishments shall maintain the area within twenty-five (25) feet of the structure or ~~display device~~ vehicle 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 and mobile food establishments shall supply a waste receptacle of sufficient size and construction to accommodate waste and litter generated by the outdoor vendor's or mobile food establishment's operations. Outdoor vendors and mobile food establishments 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' or

mobile food establishments' 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 and mobile food establishments are encouraged but not required to provide for the recycling and composting of waste.

- (d) *Receipts required.* No outdoor vendor or mobile food establishment 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 or mobile food establishment; 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~~ vehicle used by an outdoor vendor or mobile food establishment to become permanently fixed to any property. No person shall allow any structure or ~~display device~~ vehicle used by an outdoor vendor or mobile food establishment to remain overnight at any stop or location without the permission of the property owner. ~~and in no event shall any such~~ No structure or ~~display device~~ vehicle may remain overnight for more than three (3) nights without the written permission of the property owner.
- (k) Locations of operation after issuance of initial license. Outdoor vendors and mobile food establishments that expand operations to locations not identified in their application filed pursuant to Section 9-3303 must submit to the clerk at least fourteen (14) days prior to operating at an expanded location:
 - (1) Written consent of any owner, lessee, or person in legal control of the location where the outdoor vendor or mobile food establishment will operate; or
 - (2) A diagram, including the location of the vendor's operation and any adjacent structure, street, sidewalk, and/or any other vendor, of each additional location(s) for which the outdoor vendor or mobile food establishment intends to operate within the boundaries of the city.

EXHIBIT B
TO ORDINANCE NO. 2751

Clean version of amended Commerce City Revised Municipal Code

DIVISION 3. OUTDOOR VENDORS AND MOBILE FOOD TRUCK ESTABLISHMENTS

Sec. 9-3300. Purpose and intent.

The purpose and intent of this division is to protect the health, safety and welfare of the public by licensing outdoor vendors and mobile food establishments selling food, goods or services in the city, to avoid over-crowding or other dangerous situations in public places and public rights-of-way and to allow pedestrian and vehicular movement in public areas and public rights-of-way.

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Sec. 9-3301. Definitions.

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Food means all articles used for human consumption as food, drink, confectionery or condiments, whether simple, mixed or compound, and all substances or ingredients used in preparation thereof.

Retail food license means a license or document issued by the Colorado Department of Public Health and Environment or a local government that certifies that a food establishment meets applicable food safety standards and authorizes the licensee to operate as a retail food establishment.

Licensed business means any business licensed to operate as an outdoor vendor or mobile food establishment pursuant to this division.

Local government means an authority, a county, a municipality, a city and county, a district, or another political subdivision of the state or any department, agency, institution, or authority of a county, a municipality, a city and county, a district, or another political subdivision of the state.

Location means a specific geographic area within the boundaries of the city from which a licensed business may operate.

Mobile food establishment means a retail food establishment that is operated from a moveable, motor-driven, or propelled vehicle, portable structure, or watercraft that can change locations and is intended to physically report to an operate from a commissary for servicing, restocking, and maintenance.

Outdoor means located in, conducted in or suited to the open air. This term shall not include structures or buildings that are completely enclosed on all sides and have a fully enclosed roof, but shall include any partially enclosed structure or building, including but not limited to outdoor stadiums and vending pods.

Outdoor vendor means any person who sells services, goods, wares or merchandise, including food, from a fixed outdoor location.

Prepared food means any food that has been altered from its original state on the outdoor vendor's premises by cooking, chopping, slicing, mixing, freezing, or other processing.

Stakeholder means any agent, employee, or representative of a city department or division, or other local government, involved in the review, inspection, issuance, or enforcement of fire safety permits, retail food license, outdoor vendors, and mobile food establishments.

Sec. 9-3302. Exclusions.

This division shall not apply to:

- (a) Vendors selling within the confines of a flea market that has been licensed pursuant to this article;
- (b) Door-to-door peddlers;
- (c) Outdoor vendors selling services, goods, wares, or merchandise, but excluding food, at one-day events; and
- (d) Yard sales, garage sales, or similar events.

Sec. 9-3303. License requirements.

- (a) No person shall engage in the activities of an outdoor vendor or mobile food establishment without first obtaining a license in accordance with the provisions of this section.
- (b) An application for a license required by this division shall contain information as required by the clerk and other stakeholders to properly review a proposed license business to protect the health, safety, and welfare of the public.
- (c) An applicant must submit an application at least fourteen (14) calendar days before operating within the city.
- (d) An applicant must provide the following with their application, as applicable:
 - (1) Written consent of any owner, lessee, or person in legal control of the location where the outdoor vendor or mobile food establishment will operate, including the city manager or their designee for any city-sponsored event on city property. No license issued under this division shall supersede the zoning and permitted uses for any property.
 - (2) A diagram of each location(s) for which the outdoor vendor or mobile food establishment intends to operate within the boundaries of the city. Diagrams shall indicate the location of the vendor and any adjacent structures, streets, sidewalks, and/or any other vendors.
 - (3) For any outdoor vendor selling prepared food and for all mobile food establishments, the applicant must provide the following additional documents with the application:
 - (a) A valid fire safety permit; and
 - (b) A valid retail food license.
 - (4) For all mobile food establishments, the applicant must provide the following additional documents with the application:
 - (a) A valid driver's license for the owner of the vehicle and each potential driver of the vehicle;
 - (b) A valid registration for the vehicle from the Colorado division of motor vehicles or equivalent state agency for vehicles registered outside of Colorado; and
 - (c) Current proof of insurance for the vehicle.
- (e) An application shall be considered complete when all application questions and required documents, along with any fees, are submitted to the clerk. The clerk and all stakeholders shall review and either approve or deny an application within fourteen (14) calendar days. The review of an application may include, but not be

limited to, the inspection of the outdoor vendor or mobile food establishment's proposed location, vehicle, and/or structure.

- (f) A single license may authorize multiple locations from which an outdoor vendor or mobile retail food establishment may operate; provided, however, that a licensee must comply with the requirements of Section 9-3304(j) when operations expand to locations beyond what was identified in an application.
- (g) The outdoor vendor or mobile food establishment license shall be firmly attached to the structure or display device and visible to the public at all times during operation.

Sec. 9-3304. Restrictions and operations.

- (a) *Distance requirements.* Outdoor vendors and mobile food establishments shall not operate:
 - (1) Within one hundred (100) feet of the property line of a residential dwelling any time;
 - (2) Within three hundred (300) feet of the property line of a residential dwelling between 9:00 p.m. and 7:00 a.m.;
 - (3) Within one hundred seventy-five (175) feet of the property line of property occupied by any restaurant or similar establishment that sells or offers food, other than another outdoor vendor or mobile food establishment; or
 - (4) If the outdoor vendor sells or attempts to sell food, within three hundred (300) feet of a school during school hours.
- (b) *Use of public spaces.* Outdoor vendors and mobile food establishments 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 vehicle 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 or mobile food establishment 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 and safety.*
 - (1) Outdoor vendors and mobile food establishments shall maintain each structure or vehicle in a safe condition so as not to create an unreasonable risk of harm to the person or property of others.
 - (2) Outdoor vendors and mobile food establishments shall not leave unattended any structure or vehicle on a public right-of-way or at the designated location while it is in operation;
 - (3) Outdoor vendors and mobile food establishments shall maintain the area within twenty-five (25) feet of the structure or vehicle 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 and mobile food establishments shall supply a waste receptacle of sufficient size and construction to accommodate waste and litter generated by the outdoor vendor's or mobile food establishment's operations. Outdoor vendors and mobile food establishments 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' or mobile food establishments' 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 and mobile food establishments are encouraged but not required to provide for the recycling and composting of waste.

- (d) *Receipts required.* No outdoor vendor or mobile food establishment 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 or mobile food establishment; 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 vehicle used by an outdoor vendor or mobile food establishment to become permanently fixed to any property. No person shall allow any structure or vehicle used by an outdoor vendor or mobile food establishment to remain overnight at any stop or location without the permission of the property owner. No structure or vehicle may remain overnight for more than three (3) nights without the written permission of the property owner.
- (k) *Locations of operation after issuance of initial license.* Outdoor vendors and mobile food establishments that expand operations to locations not identified in their application filed pursuant to Section 9-3303 must submit to the clerk at least fourteen (14) days prior to operating at an expanded location:
 - (1) Written consent of any owner, lessee, or person in legal control of the location where the outdoor vendor or mobile food establishment will operate; or
 - (2) A diagram, including the location of the vendor's operation and any adjacent structure, street, sidewalk, and/or any other vendor, of each additional location(s) for which the outdoor vendor or mobile food establishment intends to operate within the boundaries of the city.