

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 714**

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING SECTION 16-1-150. OF THE MEAD MUNICIPAL CODE WITH REGARD TO DEFINITIONS FOR MOBILE RETAIL FOOD ESTABLISHMENTS AND PUSHCARTS, AND AMENDING SECTION 16-3-70 OF THE MEAD MUNICIPAL CODE WITH REGARD TO TEMPORARY USES ALLOWED FOR MOBILE RETAIL FOOD ESTABLISHMENTS AND PUSHCARTS IN NONRESIDENTIAL AND RESIDENTIAL ZONING DISTRICTS.

WHEREAS, the purpose of this amendment to the Land Use Code is to permit mobile retail food establishments and pushcarts to reasonably operate within the Town without disturbing the immediate neighborhood or pedestrian traffic; and

WHEREAS, the Board of Trustees desires to regulate mobile retail food establishments and pushcarts in a manner that promotes the public health, safety and general welfare;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Section 16-1-150 of the *Mead Municipal Code* is hereby amended by the addition of the following definitions:

“Mobile retail food establishment means a retail food establishment that reports to and operates from a commissary and is readily movable, is a motorized wheeled vehicle, or towed wheeled vehicle designed and equipped to serve food.

Pushcart means a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food unless equipment is commercially designed and approved to handle food preparation and service.”

Section 2. Section 16-3-70 of the *Mead Municipal Code* is hereby amended by the addition of the following subsection (12) to read as follows:

“(12) Mobile Retail Food Establishments - Nonresidential Areas. Mobile retail food establishments and pushcarts vending food within nonresidential zoning districts, except lemonade or similar stands operated by minor children, shall be subject to the issuance of a temporary use permit by the Town Manager and the following standards:

- a. Locations Permitted. Mobile retail food establishments and pushcarts shall be permitted in all non-residential zoning districts and public parks subject to the following separation requirements:
 - i. In all non-residential zoning districts mobile retail food establishments and pushcarts shall be located at least 250 feet from any restaurant.
 - ii. In all nonresidential zoning districts, mobile retail food establishments and pushcarts in a stationary location must conform with the zoning

standards of the district in which it is located, and meet building setbacks, sign requirements, provide for off-street employee parking , provide a minimum of three (3) off-Street customer parking spaces, and have signed permission from the property owner.

iii. Exceptions. Zoning and separation requirements do not apply during community-wide special events.

b. Criteria for operation.

i. A Colorado Department of Public Health and Environment Retail Food Establishment license and a Town sales tax license are required.

ii. The licenses must be kept with the mobile retail food establishment or pushcart and presented to Town and Health Department officials upon request.

iii. Operation in parks with permanent concession facilities is prohibited when park concessions are in operation.

iv. Sound amplification, bells or horns used to announce the presence of a mobile retail food vehicle or pushcart shall be subject to the restrictions of Section 10-13-40 of the *Mead Municipal Code*.

v. Operators are responsible for maintaining trash receptacles and shall maintain all areas used for food vending in a safe, clean and attractive condition.

vi. Mobile retail food establishments and pushcarts must be removed from any site at the end of each business day (unless otherwise approved).

vii. Operators must obey all parking and traffic laws.

viii. Mobile retail food establishments and pushcarts must not obstruct pedestrian or bicycle access/passage and must not obstruct parking lot circulation or impede traffic flow.

ix. Operators must dispose of all waste in accordance with Health Department regulations.

x. When vending in the public right-of-way, vending must occur from the curb side.”

Section 3. Section 16-3- 70 of the *Mead Municipal Code* is hereby amended by the addition of the following subsection (13) to read as follows:

“(13) Mobile Retail Food Establishments - Residential Areas. Mobile retail food establishments and pushcarts vending food within residential zoning districts, except lemonade or similar stands operated by minor children, shall be subject to the issuance of a temporary use

permit by the Town Manager and the following standards:

- a. Locations Permitted. Mobile retail food establishments and pushcarts shall be permitted in all residential zoning districts.
- b. Criteria for operation.
 - i. A Colorado Department of Public Health and Environment Retail Food Establishment license and a Town sales tax license are required.
 - ii. The licenses must be kept with the mobile retail food establishment or pushcart and presented to Town and Health Department officials upon request.
 - iii. Operation in parks with permanent concession facilities is prohibited when park concessions are in operation.
 - iv. Mobile retail food establishments and pushcarts are limited to prepackaged and non-potentially hazardous food.
 - v. Sound amplification, bells or horns used to announce the presence of a mobile retail food vehicle or pushcart shall be subject to the restrictions of Section 10-13-40 of the *Mead Municipal Code*.
 - vi. Operators are responsible for maintaining trash receptacles and shall maintain all areas used for food vending in a safe, clean and attractive condition.
 - vii. Mobile retail food establishments and pushcarts must be removed from any site at the end of each business day (unless otherwise approved).
 - viii. Operators must obey all parking and traffic laws.
 - ix. Mobile retail food establishments and pushcarts must not obstruct pedestrian or bicycle access/passage and must not obstruct parking lot circulation or impede traffic flow.
 - x. Structures, canopies, tables or chairs are not permitted to be set up around the mobile retail food establishment or pushcart.
 - xi. Operators must dispose of all waste in accordance with Health Department regulations.
 - xii. When vending in the public right-of-way, vending must occur from the curb side.”

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

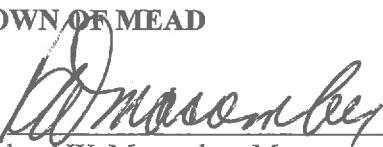
Section 7. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 9th DAY OF July, 2012.

ATTEST:

TOWN OF MEAD

By 
Sandi F. Sugden, CMC, Acting Town Clerk

By 
Richard W. Macomber, Mayor

