



## Mobile Retail Food Establishments

Mobile Retail Food Establishments are allowed on public and private property within the Town of Mead with a temporary use permit and appropriate business license. Mobile Retail Food Establishments include but are not limited to food trucks, push carts and selling food out of a vehicle.

Temporary Use Permits are issued by the Town Clerk's office in accordance with Mead Municipal Code 16-3-70. Applications will not be accepted until complete and will be reviewed for compliance with Mead Municipal Code.

All applications must include:

- Completed Temporary Use Permit Application Form
- Diagram / Site Plan of location – this may be hand drawn and is not required to be to scale
- Written permission from the property owner. If the property is owned by the Town of Mead, please indicate on the application and permission will be considered with the application.
- Weld County Health Department Certificate for Food Service
- Colorado State Sales Tax License
- Certificate of Insurance
- Temporary Use Permit fee for Mobile Retail Food Establishments in 2020 is \$50.00 payable to the Town of Mead.
- Town of Mead Business License.
  - An annual business license is required for any business in the Town of Mead who does over \$3,000 worth of business (sales/service or combined) in any calendar year. The cost of an annual license is \$30.00
- For special events, the event coordinator may obtain a temporary use permit to cover all vendors at that event.

### Sales Tax

As a statutory Town, the Town of Mead's sales tax is collected by the Colorado Department of Revenue. The 2022 rate is:

Town of Mead	3.0%
State of Colorado	2.9%
Total	5.9%

For more information on permits, please contact the Town Clerk's office.



441 Third Street, P.O. Box 626  
 Mead, CO 80542  
[www.townofmead.org](http://www.townofmead.org)  
 970-535-4477

<b>STAFF USE ONLY</b>	
Date Submitted	___/___/___
Fee:	_____
Deposit:	_____

**TEMPORARY USE APPLICATION FORM**

**Project / Event Address:** \_\_\_\_\_

**Proposed Date(s):** \_\_\_\_\_

**Applicant Name:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**Applicant Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**E-mail** \_\_\_\_\_

**PROJECT DESCRIPTION**

Project / Event Description: Please include the following information: (1) nature of business to be conducted; (2) proposed hours of operation; (3) number of people anticipated to attend; and (4) levels of traffic anticipated:

Will the project require the use of water and/or electricity? If yes, please provide information to clarify what is needed.

Will the project require the closure of any streets? If yes, please provide a map detailing the closure.

Will the project require a park reservation? If so, which park will be used and for what hours?

Park Reservation Form required.

Will alcohol be present?  Yes  No

If yes, an alcohol permit application or special event permit application must be completed and approved prior to the temporary use permit being issued.

**SITE PLAN**

A site plan prepared to the following specs and including the following info is required:

- 8 1/2" X 11" plan sheet
- Plan drawn to scale electronically or drawn by hand with straight edge
- Distances from roadways
- Distances between structures
- Heights of proposed structures
- Proposed site access points
- Proposed parking areas
- Photos/renderings of proposed structures
- Signage plan indicating dimensions, materials and locations of proposed signs
- Name(s) of contractors/vendors associated with project
- If site is not paved, show location of tracking pad(s) to be used to prevent mud from escaping site

**PROPERTY OWNER**

Property Owner Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Property Owner Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail \_\_\_\_\_

Permission to use property must be attached.

**ADDITIONAL DOCUMENTS**

- Certificate of Insurance
- Weld County Health Department Certificate for Food Service
- State of Colorado Sales Tax License
- License from County or Other City/Town

**AFFIDAVIT**

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owners. I understand that all materials and fees required by the Town of Mead must be submitted prior to having this application processed.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Mead Municipal Code  
Sec. 16-3-70. - Temporary uses.

- (a) **General Regulations.** The general regulations of this Subsection shall apply to all allowed temporary uses unless otherwise expressly stated.
- (1) Permanent changes to the site are prohibited.
  - (2) Permanent signs are prohibited. All temporary signs associated with the temporary use shall be removed when the activity ends.
  - (3) Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
  - (4) The temporary use regulations of this Section do not exempt the applicant or operator from any other required permits, such as health department permits.
  - (5) Unless otherwise expressly stated, temporary uses shall be subject to site plan review, pursuant to this code.
- (b) **Uses Allowed.** Temporary uses shall be allowed in accordance with the standards of this Subsection.
- (1) Real estate sales offices. Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office for sites outside of the project is prohibited.
  - (2) Fairs, carnivals and other public gatherings. Fairs, carnivals and other public gatherings shall be allowed, with a Town-approved event permit, as follows:
    - a. In the AG zone, such uses shall be allowed for up to six consecutive days. Two events are allowed per calendar year.
    - b. In residential zoning districts, such uses shall be allowed for up to four (4) consecutive days on the site of an institutional or parks use. Two (2) events are allowed per calendar year.
    - c. In nonresidential zoning districts, such uses shall be allowed for up to eight (8) consecutive days. Two (2) events are allowed per calendar year.
  - (3) Natural disasters and emergencies. Temporary uses and structures needed as the result of a natural disasters or other health and safety emergencies are allowed for the duration of the emergency. No site plan review or other review shall be required.
  - (4) Parking lot sales. Parking lot sales are allowed in nonresidential zoning districts for up to two (2) consecutive weeks at any one (1) time. Two (2) events are allowed per calendar year.
  - (5) Seasonal outdoor sales. Seasonal outdoor sales are allowed for up to one (1) month at any one (1) time. One (1) event is allowed per calendar year. The Town Manager may approve an application for seasonal outdoor sales, subject to a limited administrative review considering the approval criteria for temporary uses. The limited administrative review does not require notice of the application to be published, posted or mailed to surrounding property owners.
  - (6) Estate and farm sales and auctions. These may be allowed for up to two (2) days per year per property.
  - (7) Other uses. The Town Manager may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.
  - (8) Yard sales. Residential yard sales are allowed in the AG, RSF-E, RSF-I, RSF-4, RMF-8 and RMF-14 zones. Yard sales are exempt from permit requirements and from any administrative review. A resident of a single-family dwelling or duplex may have a maximum of six (6) yard sales per calendar year. Occupants of a multi-family building are limited to a maximum of six (6)

yard sales per calendar year per structure. Each yard sale event is allowed to run a maximum of four (4) consecutive days and each event may not occur within thirty (30) days of a prior yard sale event.

- (9) Garage residential occupancy. The Town may allow residency to occur in a garage on the same lot where a primary residence is being constructed. In no case shall this occupancy exceed three hundred sixty (360) days.
- (10) Restaurant, with outdoor seating area. Eating establishments allowed under this Code may provide outdoor seating areas on their property, subject to the issuance of a temporary use permit by the Town Manager. Such seating shall be incidental to the operation of the restaurant. The seating area must be adjacent to the restaurant. The outdoor seating area shall meet the following criteria:
  - a. Food service shall be provided by the employees of the establishment. The sale and consumption of alcoholic beverages in the outdoor seating areas shall be restricted by the liquor license governing the restaurant. Any outdoor seating area where alcoholic beverages are sold or consumed shall be supervised at all times by an employee of the restaurant. No alcoholic beverages may be removed from the outdoor seating area, except to the interior of the restaurant.
  - b. No outdoor keeping or storage of food or beverages to be served shall be permitted. No open keeping or storage of used dishes, utensils or food scraps shall be permitted.
  - c. The pedestrian circulation and building entries shall not be impaired. If a private sidewalk is adjacent to the outdoor seating area, then a minimum of four (4) feet of open sidewalk shall be maintained free of obstruction.
  - d. Self-closing outdoor trash receptacles shall be available for patron use.
  - e. The operator of the outdoor seating area shall be responsible for maintaining a clean, litter-free and well-kept appearance for the outdoor seating area.
  - f. Amplified sound systems may be permitted subject to the restrictions of Section 10-13-40 of this Code.
  - g. The outdoor seating area shall comply with applicable state and county health department regulations.
  - h. Within the designated outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles may be permitted. One (1) sandwich board menu sign, not exceeding six (6) square feet, as permitted by Paragraph 16-7-60(23) of this Chapter.
  - i. All furniture and equipment within the outdoor seating area must be compatible with the character of the public street furniture and be moveable (not permanently attached) to allow for maintenance of the public infrastructure.
  - j. The operator shall provide to the Town, in a form acceptable to the Town Attorney, the following:
    1. An agreement to indemnify, defend and hold harmless the Town for any and all claims for liability or damages arising from the operation of the outdoor restaurant seating area; and
    2. A certificate of general liability insurance, workers' compensation insurance and, if applicable, dram shop insurance. The amount of required coverage shall be approved by the Town's insurance carrier, but in no event shall liability coverage be in an amount less than one million dollars (\$1,000,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) per person. The Town shall be named as an additional insured on the face of the certificate, and the insurer shall have no less than an "A" rating by the most recent AM Best Insurance Rating Guide.

- k. The Town Manager may impose conditions relating to the design, location, configuration and operation aspects of the outdoor seating to ensure that such area is compatible with surrounding uses.
- (11) Sidewalk cafe. Eating establishments allowed under this Code may provide outdoor seating areas on their property and/or on a sidewalk or plaza within the public right-of-way, subject to the issuance of a temporary use permit by the Town Manager. Such seating shall be incidental to the operation of the licensed restaurant or fast food restaurant. The seating area must be contiguous to the restaurant. The outdoor seating area shall meet the following criteria:
- a. The Town Manager may approve outdoor seating in the tree lawn area immediately in front of the business.
  - b. Food service shall be provided by the employees of the establishment. The sale and consumption of alcoholic beverages in the outdoor seating areas shall be restricted by the liquor license governing the restaurant. Any outdoor seating area where alcoholic beverages are sold or consumed shall be supervised at all times by an employee of the restaurant. No alcoholic beverages may be removed from the outdoor seating area, except to the interior of the restaurant.
  - c. No outdoor keeping or storage of food or beverages to be served shall be permitted. No open keeping or storage of used dishes, utensils or food scraps shall be permitted.
  - d. A minimum of four (4) feet of open sidewalk area shall be maintained free of obstructions adjacent to the outdoor seating area, to allow for pedestrian circulation.
  - e. Pedestrian circulation to building entries shall not be impaired.
  - f. Self-closing outdoor trash receptacles shall be available for patron use.
  - g. The operator of the restaurant shall be responsible for maintaining a clean, litter-free and well-kept appearance for the outdoor seating area.
  - h. Amplified sound systems may be permitted subject to the restrictions of Section 10-13-40 of this Code.
  - i. The outdoor seating area shall comply with applicable state and county health department regulations.
  - j. Within the designated outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles may be permitted. One (1) sandwich board menu sign, not exceeding six (6) square feet, as permitted by Paragraph 16-7-60(23) of this Chapter.
  - k. All furniture and equipment within the outdoor seating area must be compatible with the character of the public street furniture and be moveable (not permanently attached) to allow for maintenance of the public infrastructure by the Town.
  - l. All furniture and equipment shall be removed and placed securely indoors at the end of each business day.
  - m. The operator shall provide the Town, in a form acceptable to the Town Attorney, the following:
    - 1. An agreement to indemnify, defend and hold harmless the Town for any and all claims for liability or damages arising from the operation of the outdoor restaurant seating area; and
    - 2. A certificate of general liability insurance, workers compensation insurance and, if applicable, dram shop insurance. The amount of required coverage shall be approved by the Town's insurance carrier, but in no event shall liability coverage be in an amount less than one million dollars (\$1,000,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) per person. The Town shall be named as an additional insured on the face of the certificate, and the insurer shall have no less than an "A" rating by the most recent AM Best Insurance Rating Guide.

- n. The Town Manager may impose conditions relating to the design, location, configuration and operation aspects of the outdoor seating to ensure that such area is compatible with surrounding uses.
- (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 temporary use permits by the Town Manager and the following standards:
- a. Locations permitted. Mobile retail food establishments and pushcarts shall be permitted in all nonresidential zoning districts and public parks, subject to the following separation requirements:
    - 1. In all nonresidential zoning districts, mobile retail food establishments and pushcarts shall be located at least two hundred fifty (250) feet from any restaurant.
    - 2. 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 they are located, meet building setbacks and 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.
    - 3. Exceptions. Zoning and separation requirements do not apply during community-wide special events.
  - b. Criteria for operation.
    - 1. A Colorado Department of Public Health and Environment retail food establishment license and a Town sales tax license are required.
    - 2. The licenses must be kept with the mobile retail food establishment or pushcart and be presented to Town and health department officials upon request.
    - 3. Operation in parks with permanent concession facilities is prohibited when park concessions are in operation.
    - 4. 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 this Code.
    - 5. Operators are responsible for maintaining trash receptacles and shall maintain all areas used for food vending in a safe, clean and attractive condition.
    - 6. Mobile retail food establishments and pushcarts must be removed from any site at the end of each business day (unless otherwise approved).
    - 7. Operators must obey all parking and traffic laws.
    - 8. 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.
    - 9. Operators must dispose of all waste in accordance with health department regulations.
    - 10. When vending in the public right-of-way, vending must occur from the curb side.
    - 11. Structures, canopies, and not more than one (1) table and/or four (4) chairs are permitted to be set up around the mobile retail food establishment when the mobile retail food establishment is temporarily located on private property. Operators are responsible for the removal of structures, canopies, tables or chairs at the end of each business day (unless otherwise approved).

- (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 temporary use permits 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.
    1. A Colorado Department of Public Health and Environment retail food establishment license and a Town sales tax license are required.
    2. The licenses must be kept with the mobile retail food establishment or pushcart and be presented to town and health department officials upon request.
    3. Operation in parks with permanent concession facilities is prohibited when park concessions are in operation.
    4. Mobile retail food establishments and pushcarts are limited to prepackaged and nonpotentially hazardous food.
    5. 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 this Code.
    6. Operators are responsible for maintaining trash receptacles and shall maintain all areas used for food vending in a safe, clean and attractive condition.
    7. Mobile retail food establishments and pushcarts must be removed from any site at the end of each business day (unless otherwise approved).
    8. Operators must obey all parking and traffic laws.
    9. 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.
    10. Structures, canopies, and not more than one (1) table and/or four (4) chairs are permitted to be set up around the mobile retail food establishment when the mobile retail food establishment is temporarily located on private property. Operators are responsible for the removal of structures, canopies, tables or chairs at the end of each business day (unless otherwise approved).
    11. Operators must dispose of all waste in accordance with health department regulations.
    12. When vending in the public right-of-way, vending must occur from the curb side.
- (c) **Approval criteria.** The Town Manager shall approve a temporary use if it is determined that all of the following conditions are met:
- (1) That the proposed site is adequate in size and shape to accommodate the temporary use;
  - (2) That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
  - (3) That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on site or at alternate locations; and
  - (4) That the operation of the requested use at the location proposed, and within the time period specified, will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.



- (d) **Conditions of Approval.** In approving temporary use requests, the Town Manager shall be authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact. For example, the Town Manager shall be authorized to require:
- (1) Provision of temporary parking facilities, including vehicular access and egress;
  - (2) Control of nuisance factors, such as the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases and heat;
  - (3) Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
  - (4) Provision of sanitary and medical facilities;
  - (5) Provision of solid waste collection and disposal;
  - (6) Provision of security and safety measures;
  - (7) Regulation of operating hours and days, including the duration of the temporary use to a shorter time period than that requested or specified in this Section; and
  - (8) Submission of a performance bond or other financial guarantee to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

(Ord. 653 §1, 2009; Ord. 708 §§2, 3, 2012; Ord. 713 §§2, 3, 2012; Ord. 714 §§2, 3, 2012; Ord. 729 §§4—6, 2013)