

PROPOSED AMENDMENT

CHAPTER 732
Transient Businesses and Vendors,
Mobile Food Vendors and Food Trucks

732.01	Definitions	731.07	Revocation of Permit.
732.02	Vendor Permit Required.	731.08	Insurance.
732.03	Permit Requirements May be Waived for City Events.	731.09	Appeals.
732.04	Mobile Food Vendors and Food Trucks	731.10	Penalty.
732.05	Business or Vendor Restrictions		
732.06	Permit Display		

732.01 DEFINITIONS.

The following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

MOBILE FOOD VENDOR OR FOOD TRUCK shall mean and refer to any individual, corporation, partnership or other entity which sells food or beverages to the public from a temporary, mobile, non-motorized wagon, trailer or motorized vehicle which is designed to be readily movable.

TEMPORARY or *TRANSIENT BUSINESS* shall mean and refer to any exhibition and sale of foods, goods, wares or merchandise which is carried on in any tent, booth, or other temporary structure on the public way.

TRANSIENT VENDOR shall mean and refer to any person, either principal or agent, who engages in a temporary or transient business in the City of Loveland selling foods, goods, wares or merchandise.

VENDOR shall collectively mean and refer to temporary or transient businesses, transient vendors, mobile food vendors and food trucks.

732.02 VENDOR PERMIT REQUIRED.

(a) Vendors intending to engage in the sale of food, goods, wares or merchandise within the City of Loveland on public streets, public properties, public sidewalks, public parking lots or other places frequented by the public, or as part of special events as defined in the City of Loveland's Special Events Policy, shall apply to the City of Loveland Planning and Zoning Department for a vendor permit for such activity in compliance with the provisions of this section.

- (1) Applicants for permits under this section must contact the Planning and Zoning Department for information. If an applicant intends to engage in a

transient business, transient vending, mobile food vending or operate a food truck, the applicant must complete a successful background check with the City. The vendor shall be responsible for any fees associated with the background check. If the vendor is operating as part of a special event as defined by the City of Loveland's Special Event Policy, the organizer of such event may be designated to ensure that its vendors are subjected to appropriate background checks.

- (2) If the City of Loveland Planning and Zoning Department determines that there is no such probability of detriment to the health, safety and welfare of the community, it shall issue a permit for the transient business, transient vending, mobile food vending or food truck to the applicant on payment of the applicable permit fee set by City Council in its Fee Ordinance. Such permit shall contain the signature of the issuing officer and shall show the name and address of the permit holder, the kinds of food, goods, wares or merchandise to be sold thereunder, the amount of fee paid, the date of issuance, the length of the time the permit shall be operative, and the permit number. All vendor permits shall be nontransferable.
- (3) Vendor permits issued under this section shall be valid for a designated number of visits or time period based on the permit fee paid. When the period of validity of a permit issued hereunder has expired, the permit may be renewed for additional visits by updating the application and paying the permit fee.
- (4) The amount of the fee for the permit herein provided shall be set by City Council in its Fee Ordinance.
- (5) All vendors issued a permit herein shall complete and file with the City of Loveland a business registration form.

(b) Whoever engages in any of the practices for which a permit is herein required, without obtaining such permit, shall be guilty of a minor misdemeanor. Each day during which such person engages in such practice without such permit shall be considered a separate offense.

732.03 PERMIT REQUIREMENTS MAY BE WAIVED FOR CITY EVENTS.

The City Manager may waive any of the requirements for vendors associated with City events or those sponsored by other political subdivisions including, but not limited to, the Loveland School District.

732.04 MOBILE FOOD VENDORS AND FOOD TRUCKS.

Vendors engaged in mobile food vending or the use of a food truck shall not be subject to the fees for transient businesses or transient vending, but shall instead be subject to the fees for mobile food vending and food trucks as set forth by City Council in its Fee Ordinance. Mobile food

vendors or food trucks shall be subject to all other provisions for the issuance of a transient business or transient vendor permit.

732.05 BUSINESS OR VENDOR RESTRICTIONS.

(a) Vendor stands shall not impede access to the entrance of any adjacent building or driveway.

(b) Vendors shall be allowed to engage in business only between 8:00 a.m. and 9:00 p.m. unless specified on the permit issued by the City.

(c) No vendor shall conduct business within twenty-five (25) feet of any handicapped parking space or access ramp.

(d) All trash or debris accumulating within twelve (12) feet of any vending stand and resulting from the activity thereof shall be collected and removed by the vendor.

732.06 PERMIT DISPLAY.

(a) Permits issued under this section shall be displayed at the site during business hours of operation.

(b) Permits shall be used by the individual to whom they were granted and are not transferable to any other person or business.

(c) Failure to display a permit granted under this section shall result in the same penalty as if the business or vendor has no permit.

732.07 REVOCATION OF PERMIT.

(a) No vendor shall directly or indirectly make or perpetrate any misstatement, deception, omission, or fraud for any purpose in the City of Loveland, or in any application or report filed under this Chapter.

(c) The City may revoke at any time any permit issued under the provisions of this Chapter for violation of any provision of this Chapter or at any time for good cause due to complaints of intimidating, discourteous, harassing, offensive, profane, obscene, disruptive, threatening or abusive conduct or claims of damage by residents regarding a temporary or transient business, a transient vendor, mobile food vendor or food truck.

732.08 INSURANCE.

No permit for transient businesses, transient vendors, mobile food vendors or food trucks shall be issued under this section unless the applicant furnishes proof to the City of liability insurance related to the operation of the business. If the permit is being issued as part of a special event as defined by the City's Special Event Policy, the transient business, transient vendor,

mobile food vendor, or food truck shall demonstrate proof of liability insurance to the organizer of the special event who shall ensure compliance.

732.09 APPEALS.

Any vendor who has applied for a permit in accordance with this Chapter and to whom the City Planning and Zoning Department has, after an investigation, denied a permit or registration certificate or has had a permit revoked may appeal to the City Manager. Notice of such appeal shall be filed with the City Manager in writing within five (5) days after the denial or revocation by the City Planning and Zoning Department. Such appeal shall be heard by the City Manager within ten (10) days of the filing of such appeal. The City Manager's decision shall be final.

732.10 PENALTY.

Whoever violates any of the provisions of this Chapter for which another penalty is not already provided is guilty of a minor misdemeanor.