

ORDINANCE NO. 1027

AN ORDINANCE PROVIDING FOR PERMITS,
REGULATIONS AND RESTRICTIONS REGARDING
CERTAIN VENDORS IN THE PUBLIC RIGHTS-OF-
WAY AND PRESCRIBING A PENALTY FOR
VIOLATION THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN,
COLORADO:

Section 1. Chapter 4.88 of the Golden Revised Ordinances of
1965 is hereby enacted as follows:

- 4.88.010 Eligibility.
- 4.88.020 Application for permit.
- 4.88.030 Review and inspection.
- 4.88.040 Effect of disapproval.
- 4.88.050 No permit for certain locations.
- 4.88.060 Requirements for issuance.
- 4.88.070 Restrictions.

"4.88.010 Eligibility. The Director of Public Works may issue to any person a permit to occupy the public right-of-way outside of the roadway for the purpose of placing a pushcart or other vending device at a location approved by the Director and selling therefrom food, beverages, food products, including ice cream, frozen milk, frozen dairy or ice confection products; merchandise, including handcrafted goods, objects, and souvenir items; or services, including portrait sketching or silhouettes; provided, however, once a permit has been issued and remains in effect for a pushcart or other vending device at a given location, no other person may be issued such a permit for the same location.

4.88.020 Application for permit. An application for a permit under this chapter shall be submitted to the Director of Public Works. The application shall be accompanied by a nonrefundable Application fee of twenty-five dollars (\$25.00) and shall include the following information:

- (a) Name and address of the applicant;
- (b) Description of type of food and beverages, merchandise or services to be sold;
- (c) A description and photograph of the pushcart or other vending device to be used;
- (d) A site plan showing the location for which application for a permit is made; provided, that such location shall not be within two hundred (200) feet of a private establishment offering comparable goods or services located in a fixed premises with a direct entrance on the sidewalk; except as may be permitted under the provisions of Section 4.88.030. The distance from a comparable establishment shall be measured along a continuous sidewalk but not crossing any street.

4.88.030 Review and inspection. Before issuing a permit under this Chapter, the Director of Public Works shall refer the permit application, inspect, and obtain or make determinations as provided below:

- (1) The application shall be referred to the Department of Community Development, which shall review and indicate approval or disapproval of the design of the pushcart or other vending device to be used, based on standards established by the Director of Community Development.
- (2) The Director of Public Works shall review the location applied for to determine whether the use of such location for sidewalk vending is compatible with the public interest in the use of a public right-of-way. In making such determination the following may be considered, to determine whether the proposed use would result in pedestrian or street

congestion: the width of sidewalk; whether or not the applicant has obtained the written consent of either the owner of the property adjacent to the location, or the lessee or tenant of the ground level of the property adjacent to the location; whether or not the applicant has obtained the written consent of the proprietor of a private establishment offering comparable goods or services within two hundred (200) feet of the location; the proximity and location of existing street furniture, including but not limited to signposts, lamp posts, parking meters, bus shelters, benches, telephone booths, planters, newsstands and newspaper vending devices; and the presence of bus stops, truck, loading zones, taxi stands or hotel zones.

(3) Insure that all other necessary licenses or permits have been issued, including sales tax licenses and county health department approval.

4.88.040 Effect of disapproval. If the Department of Community Development disapproves the design of the pushcart or other vending device, or if the Director of Public Works disapproves the location proposed to be used as provided in Section 4.88.030, no permit shall be issued.

4.88.050 No permit for certain locations. No permit shall be issued for any of the following locations:

(1) Within any residential zoned district within the City including but not limited to RE, R1, R1A, R2, and R3 zones;

(2) Within one hundred (100) feet of the property line of any public or private, elementary or secondary school;

4.88.060 Requirements for issuance. A permit may be issued under this chapter, subject to the following requirements:

(1) The permit shall be valid for a maximum of twelve (12) months from and after the date of issuance, and may be revoked without cause.

(2) The annual fee for a permit issued under this Chapter shall be one hundred fifty dollars (\$150.00), payable in advance upon permit approval and annually thereafter upon renewal.

(3) The permit may be renewed within 30 days prior to expiration upon payment of the permit fee, subject to the provisions specified herein for application for a permit.

(4) Each permit shall be valid for not more than one location.

(5) In addition to naming the permittee and other information required by the Director of Public Works, the permit shall contain the following:

a. The period of time for which the permit was issued;

b. A statement that the permit issued shall be personal only and not transferable in any manner;

c. A statement that the permit is valid only when used at the location designated on the permit;

d. A statement that the permit is subject to the provisions of this Chapter.

e. A statement that the permittee shall hold the city harmless of any liability. further permittee shall obtain and pay for liability

insurance in such amounts as deemed necessary by the Director and name the city an additional insured.

(6) It shall be unlawful for any owner, part owner, shareholder or person interested directly or indirectly in any permit issued pursuant to this chapter to conduct, own either in whole or in part, or be directly or indirectly interested in more than two (2) permits issued pursuant to this Chapter.

4.88.070 Restrictions. A person to whom a permit has been issued hereunder, and whose permit is valid, may transport to an approved location and may display goods or demonstrate services utilizing an approved pushcart or other vending device, provided:

(1) That the pushcart or other vending device shall occupy an area no larger than eighteen (18) square feet, and shall not exceed three (3) feet in width, including wheels; nor six (6) feet in length, including any handle; nor five (5) feet in height, excluding a canopy, umbrella or transparent enclosure;

(2) That the permittee shall not use any device, chair, stand, box, container or table that does not comply with the requirements of this section; and shall not place any such things on any sidewalk, roadway, street or alley, except as permitted hereunder;

(3) That the permittee shall pick up any paper, cardboard, wood or plastic container, wrappers or any similar litter which is deposited within twenty-five (25) feet of the approved location designated on the permit; and the permittee shall carry a suitable container for the placement of such litter by customers or other persons;

(4) That the permittee shall locate the pushcart or other vending device so that the remaining unobstructed width of a public sidewalk in the Downtown Development District, as the same is defined in Chapter 18.52 herein, is not less than four (4) feet; or so that the remaining width of a public sidewalk elsewhere is not less than three (3) feet;

(5) That the permittee shall not locate a pushcart or other vending device on a public sidewalk within three (3) feet of an adjacent building or property line;

(6) That the permittee shall not locate a pushcart or other vending device on a public sidewalk within the boundaries of a crosswalk, or within a site triangle established by the Director of Public Works.

(7) That the permittee shall not locate a pushcart or other vending device within ten (10) feet of the extension of any building entranceway or doorway, to the curb line;

(8) That the permittee shall not sell to any person who is standing in a street, highway or roadway;

(9) That the permittee shall not sell from a pushcart or other vending device that is located in any portion of a street, alley, roadway or highway that is designed or ordinarily used for vehicular travel;

(10) That the permittee shall not sell from a pushcart or other vending device at a location other than that designated on the permit;

(11) That the permittee shall comply with all applicable provisions of the fire codes, building codes, and all other applicable ordinances of the City of Golden.

(12) That the permittee shall not leave his/her pushcart or other vending device unattended on a public right-of-way or at the location designated on his/her permit;

(13) That the permittee shall not conduct the business for which his/her permit was issued hereunder, between the hours of 12:00 midnight and 6:00 a.m.;

(14) That the permittee shall not conduct business at the location designated on his permit when such location is within an area for which the City Council or Director of Public Works has issued a permit for a street fair, festival, or other similar event, unless the holder of the latter permit furnishes permission in writing."

Section 2. Penalty. Any person violating any of the provisions of failing to comply with any of the mandatory requirements of Chapter 4.88 of the Golden Revised Ordinances of 1965 shall be subject to those penalties as subscribed in Section 1.01.110 of the Golden Revised Ordinances of 1965.

Section 3. Any ordinances or portions of ordinances in conflict herewith are hereby repealed.

Introduced, read and ordered published this 14th day of May, 1987.

Adopted, approved and ordered published this 28th day of May, 1987.

James T. Brown, Jr.
Mayor

ATTEST:

Sharon L. Bennetts
City Clerk

Approved as to form:

Russell J. Sindt
City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular meeting of the City Council of said city, held on the 14th day of May, 1987 and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held and on the 28th day of May, 1987, the said proposed ordinance was read on second reading and passed by the City Council and ordered published in the aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 29th day of May, 1987.

(SEAL)

Attest: _____
Sharon L. Bennetts, City Clerk
of the City of Golden, Colorado