

**ORDINANCE NO. XXXX
SERIES 2020**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO
ALLOW MOBILE FOOD COURTS**

WHEREAS, the City of Louisville is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

WHEREAS, the popularity of food trucks, food carts and mobile retail food establishments have increased significantly in recent years; and

WHEREAS, the zoning ordinances within the Louisville Municipal Code (LMC) allow mobile retail food establishments, mobile food vehicles, mobile vending carts, and ice cream vendors subject to certain regulations; and

WHEREAS, the City Council desires to amend certain provisions of the LMC to allow mobile food courts; and

WHEREAS, after a duly noticed public hearing held _____, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated _____, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO, THAT:

Section 1. Chapter 17.08 of the Louisville Municipal Code is hereby amended by the addition of new Section 17.08.322 to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17.08.322. Mobile Food Court.

Mobile Food Court means a commercial development where two or more mobile retail food establishments, mobile food vehicles, mobile vending carts, or ice cream vendors congregate to offer food or beverages for sale to the public and includes customary outdoor areas for eating and drinking. Mobile food courts may be temporary or permanent. Operations associated with a private catered event or a city-permitted special event are not considered a mobile food court.

Section 2. Section 17.12.030 of the Louisville Municipal Code is hereby amended by adding the following use group:

Use Groups	Districts																	
	A	A-O	B-O	* AO-T	R-RR	SF-R	SF-E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R-H	C-N	C-C	C-B	I	PCZD	MU-R	OS
Mobile Food Court	No	R	R		No	No	No	No	No	No	No	R	R	R	R			

Section 3. Section 17.14.050 of the Louisville Municipal Code is hereby amended by adding the following use group:

Commercial Use Group	Districts	
	CC	MU-R
Mobile Food Court	R	R

Section 4. Section 17.16.310 of the Louisville Municipal Code is hereby amended, to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17.16.310. – Mobile retail food establishments, mobile food vehicles, mobile vending carts, and ice cream vendors.

A. All mobile retail food establishments, mobile food vehicles and mobile vending carts are subject to the following requirements:

1. *Special events sales/use tax license.* Applicant is required to obtain a special events sales/use tax license. Prior to commencing any operations, applicant shall complete a special events sales/use tax license application, including other required attachments listed on the checklist of required documents, and shall submit the application and application fee to:

City of Louisville
Sales Tax and Licensing Division
749 Main Street
Louisville, CO 80027

2. *Boulder County Public Health Certificate.* Applicant shall obtain a Boulder County Public Health Certificate.

3. *Louisville Fire Protection District.* Applicant shall obtain a Mobile Food Vending Permit from the Louisville Fire Protection District.
4. *Location requirements.* The use shall be located at least 150 feet from any existing restaurant, unless approved by the city manager, or written consent from all restaurant owners within 150 feet is provided. Distances shall be measured by the city on the best mapping available as a buffer from the property perimeter in which the mobile retail food establishment, mobile food vehicle, or mobile vending cart is located, or from the closest point of the mobile retail food establishment, mobile food vehicle, or mobile vending cart itself if located in city-owned right of way, to the closest point of the property perimeter of a restaurant.
5. *Private catered event.* For the purposes of this Section 17.16.310, a private catered event is an event that sells food and beverages for a limited time coinciding with an event not open to the general public and only to attendees of the event. A city issued food truck permit is not required to operate as a private catered event.
6. *Operating requirements.* No person who operates any mobile retail food establishment, mobile food vehicle or mobile vending cart shall:
 - i. Sell anything other than food and non-alcoholic beverages, unless a special events liquor license is approved by the local licensing authority;
 - ii. Operate before 7:00 a.m. or after 9:00 p.m.;
 - iii. Park in city-owned right-of-way or city-owned property overnight.
 - iv. Set-up within any designated sight triangle/vehicle clear-zone;
 - v. Set-up within any ADA Accessible parking space;
 - vi. Impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk;
 - vii. Provide amplified music;
 - viii. Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle or mobile vending cart, or in the case of a mobile retail food establishment, attached directly to the table, awning, canopy or similar item upon or under which sales are directly made;
 - ix. Fail to have the vehicle/cart attended at all times;
 - x. Fail to permanently display to the public in the food handling area of the mobile food vehicle/cart the permit authorizing such use;
 - xi. Fail to provide separate and clearly marked receptacles for trash, recycling and compost and properly separate and dispose of all

trash, refuse, compost, recycling and garbage that is generated by the use;

- xii. Cause any liquid wastes used in the operation to be discharged from the mobile food vehicle;
- xiii. Fail to provide documentation confirming private property owner's permission upon application or request; or
- xiv. Operate without a city issued food truck permit, unless operating as a private catered event, ~~or as part of a city-permitted special event, or as part of~~, and with service limited to a city-permitted block party, or as part of a mobile food court.

B. Mobile retail food establishments, mobile food vehicles and mobile vending carts are permitted as follows, subject to Subsection A above:

1. Residential Zone Districts.

- i. *Private property.* Mobile retail food establishments, mobile food vehicles and mobile vending carts are not permitted to operate on private property unless operating as a private catered event.
- ii. *City-owned property.* Mobile retail food establishments, mobile food vehicles and mobile vending carts are not permitted to operate on city-owned property unless operating as part of a private catered event or as part of a city-permitted special event. Mobile retail food establishments and mobile vending carts are allowed to operate at Coal Creek Golf Course and at the Louisville Recreation Center in connection with its daily operations.
- iii. *Right-of-way.* Mobile retail food establishments, mobile food vehicles and mobile vending carts are not permitted to operate within city-owned right-of-way, except as follows: Mobile retail food establishments, mobile food vehicles, and mobile vending carts are permitted to operate on rights-of-way that abut a city-owned property as part of a city permitted special event or private catered event located at the abutting city-owned property and being conducted under a city issued park or shelter reservation, and mobile retail food establishments, mobile food vehicles, and mobile vending carts are permitted to operate on rights-of-way as part of, and with service limited to a city-permitted block party.

2. Non-Residential, Mixed-Use and Agricultural Zone Districts.

- i. *Private property, city-owned property and right-of-way.* Mobile retail food establishments, mobile food vehicles and mobile vending carts are permitted to operate with a city issued food truck permit or as a private catered event.

- ii. *City-permitted special events.* Mobile retail food establishments, mobile food vehicles and mobile vending carts authorized to operate as part of a city-permitted special event shall be allowed to locate within 150 feet of an existing restaurant and operate without a city issued food truck permit. Hours of operation shall be the same as authorized for the city-permitted special event.
- C. Ice cream vendors are permitted to operate in right-of-way throughout the City of Louisville subject to the requirements below. An ice cream vendor operating in any other manner shall be subject to the regulations for mobile retail food establishments, mobile food vehicles and mobile vending carts. A city issued food truck permit is not required to operate as an ice cream vendor.
 - 1. *Special events sales/use tax license.* Applicant is required to obtain a special events sales/use tax license. Prior to commencing any operations, applicant shall complete a special events sales/use tax license application, including other required attachments listed on the checklist of required documents, and shall submit the application and application fee to:
 - City of Louisville
 - Sales Tax and Licensing Division
 - 749 Main Street
 - Louisville, CO 80027
 - 2. *Boulder County Public Health Certificate.* Applicant shall obtain a Boulder County Public Health Certificate.
 - 3. *Operating requirements.* No person who operates as an ice cream vendor shall:
 - i. Operate before 7:00 a.m. or after 9:00 p.m.;
 - ii. Park in city-owned right of way or city-owned property overnight.
 - iii. Set-up within any designated sight triangle/vehicle clear-zone;
 - iv. Impede safe movement of vehicular and pedestrian traffic or access to any public alley or sidewalk;
 - v. Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the ice cream vending vehicle/cart;
 - vi. Fail to have the vehicle/cart attended at all times;
 - vii. Fail to permanently display to the public in the food handling area of the vehicle/cart the Boulder County Public Health Certificate;
 - viii. Cause any liquid wastes used in the operation to be discharged from the vehicle/cart; or
 - ix. Remain in the same location for longer than a 15 minute period.

- D. Mobile Food Courts. Operating as a mobile food court shall only be allowed within designated zone districts and with approval of a Special Review Use pursuant to Chapter 17.40. In addition to the application requirements and review criteria in Chapter 17.40, the following additional requirements and criteria shall apply:
1. All mobile retail food establishments, mobile food vehicles, mobile vending carts, and ice cream vendors shall comply with Section 17.16.310.A above, except the location requirements from existing restaurants and requirements for consent from existing restaurants shall not apply, hours of operation may be reduced or expanded and amplified music may be allowed through the Special Review Use approval.
 2. All of the proposed activities will be conducted on private property owned or otherwise controlled by the applicant and none of the activities will occur on any public right-of-way.
 3. If the property is adjacent to property developed with residential uses, then the vendor pads shall meet the applicable parking setback or other setback determined necessary to control the external effects of the proposal.
 4. Each vendor pad shall be equipped with electrical connections. Use of generators is prohibited.
 5. A site plan is required showing the following:
 - i. The location and orientation of each vendor pad;
 - ii. The location of all proposed dining areas and areas designated for gathering and activities;
 - iii. The location of any paving, trash enclosures, landscaping, planters, fencing, or any other site requirement by the international building code or Boulder County Public Health Department;
 - iv. The location of permanent electrical and other necessary utility connections;
 - v. The circulation of all pedestrian, bicycle, and vehicle traffic;
 - vi. The location of any fixed or movable seating and tables;
 - vii. The location of restrooms;
 - viii. The location of vehicular and bicycle parking;
- E. It shall be unlawful to operate any mobile retail food establishment, mobile food vehicle, mobile vending cart, or ice cream vending vehicle/cart within the City except in compliance with the provisions of this section.

Section 5. Section 17.40.105.A.8. of the Louisville Municipal Code is hereby amended, to read as follows (words added are underlined; words deleted are ~~stricken through~~):

8. That the proposed use does not include the following uses: ~~limited wholesale sales as defined in section 17.08.262 of this title.~~

- i. Limited wholesale sales, as defined in section 17.08.262
- ii. Mobile food court, as defined in section 17.08.322

Section 6. Section 17.72.090. of the Louisville Municipal Code is hereby amended by the addition of a new Subsection 17.72.090C. to read as follows:

C. Special Review Uses. The following commercial and noncommercial uses may be permitted by special review pursuant to Chapter 17.40 within any planning area designated "commercial on the adopted planned community development general plan:

1. Mobile food court

Section 7. If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 8. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this _____ day of _____, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this ____ day of
_____, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk