

ORDINANCE NO. 19

SERIES 2018

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4 OF
THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE
REGULATIONS FOR MERCHANDISE TRUCKS**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado;

WHEREAS, Chapter 6, Article 4 of the Crested Butte Municipal Code (the "Town Code") contains regulations adopted by the Town Council that govern, among other things, the licensing and operation of vending, merchandise carts, food trucks and special events in Town;

WHEREAS, Chapter 6, Article 4, Sec. 6-4-10 of the Town Code contains definitions applicable to licensing and operations of the types of business and activities regulated by Article 4 of the Town Code;

WHEREAS, Chapter 6, Article 4, Sec. 6-4-70 of the Town Code contains regulations applicable to merchandise carts;

WHEREAS, the Town Council finds that certain amendments to these Sections of the Town Code to allow "merchandise trucks" to operate in Town would be in the best interest of the health, safety, and general welfare of the residents and visitors of Crested Butte and, therefore is appropriate for adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. **Amendment of Section 6-4-10.** Section 6-4-10 of the Town Code is hereby amended by adding a new definition of "Merchandise truck" that shall read as follows:

Sec. 6-4-10. Definitions.

Merchandise truck means a licensed motor vehicle no greater than eight (8) feet wide by twenty (20) feet long that is mobile and is used for vending merchandise.

Section 2. **Amendment of Section 6-4-70.** Section 6-4-70 of the Town Code is hereby amended by deleting the section in its entirety and replacing it with a new section that shall read as follows:

Sec. 6-4-70. - Merchandise cart and truck regulations.

Merchandise carts and trucks, merchandise cart and truck vendors, and merchandise cart and truck vending are subject to the following regulations:

- (1) Merchandise carts and merchandise trucks may not occur on public streets, sidewalks, alleys or other public rights-of-way except as specified in (3) below. Merchandise trucks and carts on private property shall be located at least 10 feet away from any sidewalk adjacent to the property.
- (2) A merchandise cart may only operate on private property, must have written permission from the property owner to vend on the site, must operate from a stationary position and must maintain high standards of site cleanliness.
- (3) A merchandise truck may operate on private property, must have written permission from the property owner to vend on the site, must operate from a stationary position and must maintain high standards of site cleanliness. A merchandise truck may also operate in the designated zone at the 4 way intersection at 6th and Elk Avenue, or at the Big Mine Ice Arena. A merchandise truck may only operate starting on the Friday of Memorial Day weekend until September 30 of a calendar year.
- (4) A merchandise cart or merchandise truck may be required to move at the request of Town officials for health, sanitation and safety reasons, upon verifiable complaint from the public related to unfair or improper business practices, or for failure to comply with the requirements of this Chapter.
- (5) Merchandise cart or merchandise truck vendors may not attract attention by noise-making devices, voice calls, flags, banners, balloons or other such devices.
- (6) Signs must be limited to the cart or truck itself and may not extend beyond the cart or truck (except for the area of the umbrella).
- (7) Advertising is limited to the product sold, the name of the business and a price list.
- (8) No more than a single cart or truck (whether a food cart or merchandise cart) may operate on any individual Town lot. In the event a property has a legal description describing it in terms as other than a lot, in order to determine what is a lot for purposes of this Section, reference shall be made to the official plat of the Town. Where property is depicted thereon as a lot, such property shall be considered a lot.
- (9) No more than two (2) licenses for either merchandise carts or merchandise trucks may be issued in any one (1) calendar year.

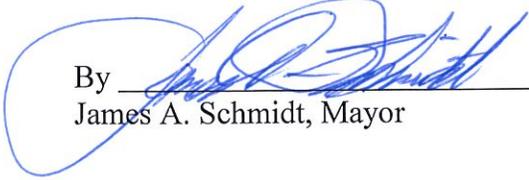
Section 3. Severability. If any section, sentence, clause, phrase, word, or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words, or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town Council that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 4th DAY OF June, 2018.

ADOPTED BY THE TOWN COUNCIL, UPON SECOND READING IN PUBLIC HEARING THIS 18th DAY OF June, 2018.

TOWN OF CRESTED BUTTE, COLORADO

By 
James A. Schmidt, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

