

**ORDINANCE NO. 3**

**SERIES 2012**

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE REGULATIONS FOR THE LICENSING OF LATE NIGHT FOOD TRUCKS IN THE B-1 BUSINESS ZONE DISTRICT AND MAKING OTHER RELATED CONFORMING CHANGES TO THE CODE**

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

**WHEREAS**, the Crested Butte Municipal Code ("**Code**") contains certain requirements for the licensing of *food cart vendors*, as defined in the Code, on public property;

**WHEREAS**, the Town staff has recommended that the Town license late-night food truck vendors on public property in order to meet resident and visitor demands for late-night food;

**WHEREAS**, the Town Council hereby finds that late-night food-trucks would be a desirable retail amenity to residents and visitors of Crested Butte; and

**WHEREAS**, for the reasons stated above, the changes to the Town Code proposed herein below are in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte.

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

**Section 1. Amending Section 6-4-10, Definition of late-night food truck.** The following definition of "Late-night food truck" is hereby added to Section 6-4-10:

*"Late-night food truck means a licensed motor vehicle no greater than 8 feet wide X 20 feet long in dimension that is mobile and is used for vending food."*

**Section 2. Amending Section 6-4-30, Outdoor vending license requirements.** The introduction to Section 6-4-30 is hereby deleted in its entirety and replaced with the following new introduction to the Section which shall read as follows:

*"All outdoor vending activities shall occur from a handcart, merchandise cart or late-night food truck, unless otherwise specified in this Section . . . ."*

**Section 3. Amending Section 6-4-50, Maintaining cart vending areas.** Section 6-4-50 is hereby deleted in its entirety and replaced with the following new Section which shall read as follows:

**“Section 6-4-50. Maintaining cart and late-night food truck vending areas.**

A cart or late-night food truck vendor is responsible for maintaining the area within and in proximity to the cart or truck, display apparatus or permitted vending location area, in a neat, clean and hazard-free condition, including, without limitation, the disposal of all trash and the storage of all carts, trucks and display apparatus off public rights-of-way when not in operation. Vendors shall provide for the disposal of trash by customers.”

**Section 4. Amending Section 6-4-60, Food cart regulations.** Subsection (3) of Section 6-4-60 is hereby deleted in its entirety and replaced with the following new subsection which shall read as follows:

“(3) Any food cart operating on public property or private property may be required to move at the request of Town officials for health, sanitation and safety reasons or for failure to comply with the requirements of this Code.”

**Section 5. Amending Section 6-4-60, Food cart regulations.** Subsection (12) of Section 6-4-60 is hereby deleted in its entirety with the subsections following such subsection (12) being renumbered accordingly.

**Section 6. Adding a new Section 6-4-80, late-night food truck regulations.** A new Section 6-4-80 is hereby added to the Code, with all Sections in this Article that follow being renumbered accordingly. Such new Section shall read as follows:

**“Section 6-4-80. Late-night food truck regulations.**

Late-night food trucks are subject to each of the following regulations:

(1) Late-night food truck vendors may only operate in the “B-1” Business Zone District.

(2) Late-night food truck vendors may only operate between the hours of 10:00 p.m. and 2:30 a.m. local time.

(3) Any late-night food truck operating on public property shall be required to move at the request of Town officials for health, sanitation and safety reasons, or for failure to comply with the requirements of the Code.

(4) All late-night food truck vendors operating on public property must provide proof of liability insurance to the Town, and shall be required to provide such information and complete such applications in connection with a license to vend as the Town may determine necessary.

(5) Late-night food truck vendors may not attract attention by noise-making devices, music, voice calls, flags, banners, balloons or other such devices.

(6) All signage shall be limited to the late-night food truck itself and shall comply with Section 16-18-20 (23) of the Code. Only the food products for sale, the name of the business and a price list shall be listed on any late-night food truck signage.

(7) When the late-night food truck is not in operation, all foodstuff must be properly stored or disposed of, and all items must be secured in a manner so as not to attract animals or other pests.

(8) No seating or tables shall be set up upon or in the vicinity of the late-night food truck.

(9) Non-food items may not be sold from a late-night food truck.

(10) No more than two (2) licenses for late night food trucks may be issued in any calendar year. The annual fee for a license for a late-night food truck shall be set by Resolution of the Town Council.”

**Section 7. Amending Section 16-18-20, General Limitations.** A new subsection (23) is added to Section 16-18-20 which shall read as follows:

“(23) Notwithstanding any provision of this Section to the contrary, late-night food trucks as described in Chapter 6, Article 4 of the Code do not need to obtain a signage permit, but must, however, at all times comply with the following requirements relative to signage therefor:

(a) no more than two (2) signs with a combined dimension of 18 square feet shall be permitted for any late-night food truck;

(b) no single sign may exceed 10 square feet in dimension;

(c) banners, flags, pennants and the like are not permitted; and

(d) menu box and changeable copy signs consisting of either green or black panels used for writing upon only with chalk are permitted like, and subject to the requirements applicable to, any restaurant use; provided that such menu box and changeable copy signs must not be free-standing and must at all times remain attached to the late-night food truck.”

**Section 8. 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 9. 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 which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 5<sup>th</sup> DAY OF MARCH, 2012.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 19<sup>th</sup> DAY OF MARCH, 2012.

TOWN OF CRESTED BUTTE, COLORADO

By: *Aaron J. Huckstep*  
Aaron J. Huckstep, Mayor

ATTEST:  
*Eileen Hughes*  
Eileen Hughes, Town Clerk

