

STATE OF COLORADO )  
 ) ss.  
COUNTY OF ADAMS )

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At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the County Administration Building in Brighton on Monday, the 8th day of July, 1991, there were present:

- Harold E. Kite, Commissioner Chairman
- James M. Nelms, Commissioner
- Elaine T. Valente, Commissioner
- Robert J. Loew, County Attorney
- Wilma Thatcher, Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

ORDINANCE NO. 5

AN ORDINANCE TO REGULATE THE LOCATION AND OPERATION OF VENDING ON STREETS AND SIDEWALKS IN UNINCORPORATED ADAMS COUNTY.

WHEREAS, pursuant to Colorado Revised Statute §30-15-401, as amended, the Board of County Commissioners of Adams County has the power to adopt ordinances for control and licensing of those matters of local concern; and,

WHEREAS, pursuant to Colorado Revised Statute §43-2-108 as amended, the Board of County Commissioners for the County of Adams has established a County highway system; and,

WHEREAS, pursuant to Colorado Revised Statute §30-15-401(1)(b)(h) as amended, matters of purely local concern include the prevention or suppression of riots, routs, affrays, disturbances, and disorderly assemblies in any public or private place, to control and regulate the movement of parking of motor vehicles on public property, and do all acts and make all regulations which may be necessary or expedient for the promotion of health; and,

WHEREAS, it has come to the attention of the Board of County Commissioners of Adams County that unregulated vending on arterial streets within urbanized areas creates traffic hazards and health and safety problems; and,

WHEREAS, it is the opinion of the Board of County Commissioners of Adams County that in order to preserve the public peace, health, safety and welfare of the citizens of Adams County, the Board should take action;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Adams, State of Colorado that:

Section 1. Findings and Purpose

It is found and declared that:

1. The primary purpose of public streets and sidewalks is for use by vehicular and pedestrian traffic;
2. The primary purpose of arterial streets and adjacent sidewalks is to provide for unobstructed vehicular traffic and pedestrian safety;
3. Vending on urban arterial streets and sidewalks presents greater risk to the health safety and welfare of pedestrians and the motoring public;
4. Regulation of vending on streets and adjacent sidewalks is necessary to protect the public health, safety and welfare.
5. The regulations contained in this ordinance do not prohibit pure speech by religious organizations or others, but merely regulates the activities which are commercial in nature.

## Section 2. Definitions

For the purposes of this ordinance, the following definitions shall apply:

1. "Local Licensing Authority" means the Board of County Commissioners for the County of Adams, State of Colorado.
2. "Motor Vehicle" means any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the Department of Motor Vehicles.
3. "Arterial Street" are those streets designated as arterial or a higher classification by the Adams County Comprehensive Plan.
4. "Stand" means any table, container, showcase, bench rack, pushcart, wagon, or other wheeled vehicle or devise which may be moved without the assistance of

a motor and which is not required to be licensed and registered by the department of motor vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor.

5. "Vendor" means any person engaged in the selling or offering for sale of food, beverages or merchandise on public streets or sidewalks from a stand or motor vehicle or from his person.

### Section 3. License Required

It shall be unlawful to sell or offer for sale any food, beverage or merchandise on any street or adjacent sidewalk within unincorporated Adams County without first obtaining a license therefore.

### Section 4. Applications

A license required by Section 3 shall be issued in accordance with §7.521 of the Adams County Zoning Regulations. The application for a vendors license shall include the following information:

1. The name, home and business address of the applicant. The name and address of the owner, if other than the applicant, of the vending business stand or motor vehicle to be used in the operation of the vending business.
2. A description of the type of food, beverage or merchandise to be sold.
3. A description of the specific location of the vending business. Also include the name, home address of the landowner and written consent of property owner.
4. A description and photograph of any stand or motor vehicle to be used in the operation of the business including the license and registration number of any motor vehicle used in the operation of the business.
5. Three prints of a photograph taken not more than thirty days prior to the day of the application of any

person who will sell or offer for sale any food, beverage or merchandise on any street or sidewalk within the County.

6. A copy of a certificate of inspection as required by Tri-County Health Department.

7. Proof of an insurance policy issued by an insurance company licensed to do business in the state of Colorado protecting the licensee and the County from all claims for damages to property and bodily injury including death which may arise from operation under or in connection with the license. Such insurance shall name as an additional insured the County and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty days advanced written notice to the County.

8. Issuance.

Not later than 45 days after the filing of the completed application for vendor's license the applicant shall be notified by the licensing officer of the decision on the issuance or denial of the license. The Director of Planning and Development Services is hereby designated as the licensing officer who shall consider the standards set forth in Section 5 in determining whether to grant a license. If the issuance of the license is approved, the licensing officer shall issue the license. If the license is denied, the applicant shall be provided with the statement of the reasons therefore, which reasons shall be entered in writing on the application. The applicant shall be entitled to a hearing pursuant to Section 7.540, of the Adams County Zoning Regulations before the Board of Adjustment. The license issued pursuant to this section is valid for a period of not more than 12 months from the date of issuance. A license to vend on the sidewalk shall specify the location from which vending is permitted and shall only be valid for vending at that location.

#### Section 5. Vending Prohibited in Certain Locations

Vending is prohibited with the following exceptions:

1. Vending from stands on sidewalks is permitted except upon sidewalks adjacent to Principal Arterials subject to the restrictions in this ordinance.
2. Vending from motor vehicles is permitted except upon or adjacent to principal arterial streets subject to the restrictions in this ordinance.
3. Prohibited Conduct: No Vendor Shall:
  - a. Vend within 100 feet of the grounds of an elementary or secondary school.
  - b. Vend on any street or sidewalk where vending is prohibited.
  - c. Leave any stand unattended.
  - d. Store, park or leave any stand overnight on any street or sidewalk or park any motor vehicle other than in a lawful parking place in conformance with County parking regulations.
  - e. Sell food or beverages for immediate consumption unless he has available for public use his own or public litter receptacle which is available for his patron's use.
  - f. Leave any location without first picking up, removing and disposing of all trash refuse remaining from sales made by him.
  - g. Leave any items relating to the operation of the vending business to be placed anywhere other than in, on or under the stand or motor vehicle.
  - h. Set up, maintain or permit the use of any table, crate, cart rack or any other device to increase the selling or display capacity of his stand or motor vehicle or other items that have not been described in the application.
  - i. Solicit or conduct business with persons in motor vehicles upon or adjacent to any arterial street.

j. Sell anything other than that which he is licensed to vend.

k. Sounding or permit the sounding of any device which produces a loud and ruckus noise or use or operate any loud speaker, public address system, radio sound amplifier or similar devise to attract the attention of the public unless specifically authorized by the licensing officer.

l. Vend without the insurance coverage as specified in Section 4.

4. No vendor selling from a stand on the sidewalk shall:

a. Vend at any location where the sidewalk is not 6 feet or wider in width.

b. Vend within 24 feet of the crosswalk at any intersection.

c. Vend within 24 feet of any bus stop sign.

d. Lean against or hang from any building or other structure placed on public property any items related to the operation of the vending business without the owner's permission.

5. No vendor selling from a motor vehicle shall:

a. Conduct his business in such a way as would restrict or interfere with the ingress or egress of any private property or create or become a public nuisance, increase traffic congestion or delay or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.

b. Stop, stand or park his vehicle upon any street or permit it to remain there.

c. Stop, stand or park his vehicle upon any street for the purpose of selling or sell on any street

under any circumstances during the hours when parking or stopping has been prohibited by signs or curb markings or is prohibited by statute or ordinance.

d. Stop, stand or park his vehicle within 24 feet of any intersection except the vehicles vending products likely to attract children as customers shall park curb side when stopping to make a sale as close as possible to a pedestrian crosswalk without entering an intersection or otherwise interfering with the flow of traffic.

e. Size requirements for vending stands, no vending stand shall exceed 4 feet in width and 8 feet in length and 54 inches in height.

Health and safety vendors of food and beverages shall comply with all inspection provisions and standards established by Tri-County Health, Colorado Health Department or other state or local agencies.

#### Section 6. Display of License

All licenses shall be openly displayed at all items during the operation of the vending business in accordance with these provisions.

#### Section 7. Advertising

No advertising except posting the prices, shall be permitted on any stand or motor vehicle, except to identify the name of the product or the name of the vendor and all such advertising shall be approved prior to display by the Department of Planning and Development.

#### Section 8. Renewal

All licenses are valid for the entire licensing period unless revoked or suspended prior to expiration. Application to renew a license shall be made not later than 45 days before the expiration of the current license.

#### Section 9. Denial Suspension Revocation



Any license may be denied, suspended or revoked for any of the following causes:

1. Fraud or misrepresentation contained in the application for the license.
2. Fraud or misrepresentation made in the course of carrying on the business of vending.
3. Conduct of the licensed business in such a manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare or morals.
4. Conduct of the licensed business contrary to provisions of this ordinance.

The Local Licensing Authority on its own motion or on complaint, after investigation, notice, and public hearing at which the licensee shall be given an opportunity to be heard, may suspend or revoke any license issued under the provisions of this ordinance if the licensee violates any of the provisions of this ordinance or any of the terms, conditions, or provisions of the license.

Notice of suspension or revocation, as well as notice of any suspension revocation hearing, shall be given by mailing the same, certified, to the licensee at the address contained in such license. The notice of a revocation or suspension hearing shall set forth the probable cause to believe the licensee has violated terms of the provisions of this and more or any of the terms, conditions or provisions of the license. The licensing authority shall cause to be served upon such licensee a notice of hearing ordering the person charged to appear and show cause why the license should not be suspended or revoked.

In the event the licensee is found not to have violated any law, rule or regulation, the charges against him will be dismissed. If the licensee is found to have violated the provisions of this ordinance, his license may be suspended or revoked.

Temporary-summary suspension where the licensing authority has reasonable grounds to believe and finds that the licensee has been guilty of a deliberate and willful

violation of any provisions of this ordinance or that the public health, safety or welfare requires emergency action and incorporates such findings in its order, it may temporarily or summarily suspend the license pending proceedings for suspension or revocation which shall be promptly instituted and determined. Such temporary suspension shall be for a period not to exceed 15 days.

#### Section 10. Penalty

Violations of this ordinance by an individual shall be punishable by fine of not more than \$300 for each violation or imprisonment in the county jail for no more than 90 days for each violation or by both such fine and imprisonment.

#### Section 11. Enforcement

Provisions of this ordinance shall be enforced by the Adams County Sheriff's Department.

#### Section 12. Disposition of Fines.

All fines imposed and collected for the violation of this ordinance shall be paid into the General Fund of Adams County.

#### Section 13. Severability Clause.

If any of the various provisions of this ordinance are determined by a court of law to be invalid, such determination shall not effect the remaining provisions of this ordinance.

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF ADAMS )

I, Robert Sack, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

This Ordinance was published in full in a newspaper of general circulation in Adams County at least ten (10) days prior to its adoption; to wit, Commerce City Express on June 11, 1991. Said Ordinance was introduced and read in full at a regular meeting of the Board of County Commissioners of the County of Adams, State of Colorado, on June 5, 1991. Said introduction and reading was held prior to the adoption of said Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, this 8th day of July, 1991.



ROBERT SACK  
 County Clerk and ex-officio Clerk of the  
 Board of County Commissioners

by Melma Thatcher  
 Deputy