

ORDINANCE NO. 2014 - \_\_\_\_\_

A BILL

FOR AN ORDINANCE TO ADD SECTION 146-1254 AND AMEND  
SECTION 26-347 OF THE CITY CODE OF THE CITY OF AURORA,  
COLORADO, RELATING TO MOBILE FOOD TRUCKS

WHEREAS, mobile food vending remains a burgeoning industry, creating jobs and contributing sales taxes and permit fees to cities; and

WHEREAS, mobile food vending attracts foot traffic to commercial districts, providing a more vibrant retail business environment overall while making streets safer with their presence; and

WHEREAS, modern mobile food vending has improved and advanced significantly from the vending typically assumed in outdated local regulations; and

WHEREAS, the City Council desires to authorize a pilot program to temporarily suspend various current restrictions on mobile food vendors in certain areas of the City in order to allow review of impacts such a program may have if instituted permanently.

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

Section 1. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 146-1254, which section reads as follows:

Sec. 146-1254. Mobile Food Truck Pilot Program.

- (A) *Definition.* As used in this section only, “Mobile Food Truck” shall mean a retail food establishment that is not intended to be permanent and is a motorized wheeled vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages, operating in either a static or transitory location and serving the public during the hours of operation authorized by this section. The sale and distribution of frozen milk, frozen dairy or ice confection products, candy, gum or other confection products shall be permitted for Mobile Food Trucks as part of this Pilot Program.
- (B) *Pilot Program.* The operation of a Mobile Food Truck is allowed through September 8th, 2015, provided that such operation is in compliance with all requirements and limitations contained in this section. In the event that a food vender is authorized to operate within the city pursuant to authority granted and limits found elsewhere in the code, this section shall not apply, however, during the period of this Pilot Program, no new permit for Mobile Food Truck operation shall be issued under Section 146-1249 and the provisions of this section shall control.

- (C) *Licenses*. An Aurora business license and a mobile retail food service license issued by the Tri-County Health Department are both required and must be conspicuously displayed at all times during the operation of a Mobile Food Truck.
- (D) *Hours of Operation*. Mobile Food Trucks may operate only between the hours of 7:00 am and 9:00 pm. The Mobile Food Truck must be removed from the location described in subsections (G) and (H) when not in operation.
- (E) *Zone Districts*. Mobile Food Trucks may operate only in the following zone districts: B-1, B-2, B-3, B-4, C-0, M-1, M-2, M-3, CCZD, PO-commercial sub-area, PO-industrial sub-area, PD-hospital sub-area, PO-ed-med sub-area, PCZD-commercial, PCZD industrial, Sustainable Infill Redevelopment (SIR) district, Transit-Oriented Development (TOD) district, Fitzsimons Boundary Area District (FBAD), E-470 Regional Activity Center (RAC), E-470 Light Industrial/Flex Office, and E-470 Community Activity Center (CAC) as designated on approved FOP.
- (F) *Separation Distance Requirements*. Mobile Food Trucks may operate only in locations that meet the following criteria:
1. Minimum of 175 feet distance from a restaurant, while the restaurant is open for business, as measured from the property line of the operating restaurant to the closest point of the Mobile Food Truck;
  2. Minimum of 50 feet from any residential zone district within the City of Aurora, as measured from the closest point of the Mobile Food Truck to the nearest property line within the residential zone district.
- (G) *Operating Within Public Right-of-Way*. Mobile Food Trucks may operate within the public right-of way provided they meet the following requirements:
1. Mobile Food Truck must be parked in a legal parking space and comply with all city and state parking restrictions;
  2. Mobile Food Truck may only serve customers from an adjacent sidewalk or the curbside of the vehicle.
- (H) *Operating on private property*. Mobile Food Trucks may operate on private property provided they meet the following requirements:
1. Mobile Food Truck operator must obtain prior written permission from the private property owner and must have available an original copy of such permission for inspection purposes at all times;
  2. Mobile Food Truck must be parked on a paved surface outside any designated Fire Lane and outside the corner visibility triangle, as that term is defined in City Code Section 146-1100(I)(2).
- (I) *City-owned property*. Mobile Food Trucks may not operate on City property regardless of the zone district unless such authority to operate is provided for elsewhere in this Code or otherwise authorized by the City Manager. This prohibition shall not apply to city-owned public right-of-way as provided for in subsection (G) of this section.
- (J) *Littering and Trash Removal*. Mobile Food Truck operators must keep the sidewalks, roadways and other spaces adjacent to their business site or location clean and free of

paper, peelings and other refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty-five feet of any Mobile Food Truck shall be collected by the operator and deposited in a trash container maintained by the operator in good condition and constructed of a non-corrodible and watertight material, sufficient to hold the refuse generated by the business. Such container shall be removed by the operator whenever the Mobile Food Truck moves to another location or at the close of business.

(K) *Noise*. Mobile Food Trucks must adhere to the provisions of City Code Section 26-348 regarding noisemaking devices.

Section 2. That Section 26-347 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 26-347. Occupations prohibited.

EXCEPT AS AUTHORIZED BY SECTION 146-1254, the trade, business, occupation, enterprise or operation of selling and distributing or offering for sale or distribution frozen milk, frozen dairy or ice confection products, candy, gum or other confection products from vehicles on the streets, highways, alleys, rights-of-way or public ways in the city is declared a nuisance and is unlawful and prohibited.

Section 3. That all ordinances or parts of ordinances of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 4. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

INTRODUCED, READ, AND ORDERED PUBLISHED this \_\_\_\_ day  
of \_\_\_\_\_, 2014.

PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_ day  
of \_\_\_\_\_, 2014.

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STEPHEN D. HOGAN, Mayor

ATTEST:

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JANICE NAPPER, City Clerk

APPROVED AS TO FORM:

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JACK D. BAJOREK, Assistant City Attorney