

ORIGINAL ORDINANCE NO.: 1972 INTRODUCED BY: HENRY
ENROLLED ORDINANCE NO.: 1738

AN ORDINANCE AMENDING TITLE 5 OF LARAMIE MUNICIPAL CODE, CREATING CHAPTER 5.82 – MOBILE VENDING, AND AMEND CHAPTER 5.76 – VENDING IN PARKS, TO CREATE A NEW CODE SECTION WHICH ESTABLISHES REGULATIONS FOR MOBILE VENDING BUSINESSES WHILE WITHIN THE CITY OF LARAMIE.

WHEREAS, on January 7, 2017, the Governing Body received a report on the State of the City and reviewed the progress made on the goals established for the prior year; and

WHEREAS, on February 11, 2017, City of Laramie City Council developed Council Goal ‘a’ which reads: “Initiate parking review/plan/partnership strategy with Downtown, UW, residential districts, and vendors in rights of way (e.g., food trucks)”; and

WHEREAS, on April 17, 2017, City of Laramie Staff hosted a public open house with interested members of the public along with mobile vendors currently operating within the City of Laramie; and

WHEREAS, on April 24, 2017, City of Laramie Staff published a draft ordinance regulating mobile vending within the City; and

WHEREAS, on April 26, 2017, City of Laramie Staff conducted a second meeting regarding the draft ordinance to address additional concerns; and

WHEREAS, on May 8, 2017, the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of amendment to the Laramie Municipal Code as shown in this ordinance; and

WHEREAS, the Laramie City Council held a public hearing on August 1, 2017 to take and consider public comments;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

Section 1. That LMC 5.82 is **created** as shown in Attachment 1.

Section 2. That LMC 5.76 is **amended** as shown in Attachment 2.

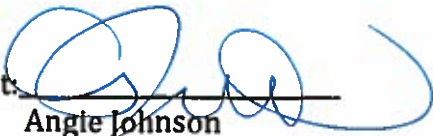
Section 3. That this ordinance shall become effective after its passage, approval and its publication.

Passed and approved this 19th day of September, 2017.



Andi Summerville, Mayor and President of
the City Council

Attest:



Angie Johnson
City Clerk

First Reading: August 1, 2107

Public Hearing: August 1 and 15, 2017

Second Reading: August 15 and September 5, 2017

Third Reading and Final Action: September 19, 2017

Duly published in the Laramie Boomerang this 27th day of September, 2017.

5.82.010 – Definitions

A. **Mobile:** Able to move or be moved freely and easily; not affixed to the ground. Mobile vending operations are truly of a mobile nature who “routinely” or “regularly” change locations more than just a few feet or driving around the block and returning to previous location.

B. **Neighborhood Mobile Food Vendor:** An outdoor vendor operating in locations on streets that are in residential zoning districts from a mobile vehicle or pushcart licensed for use in the retail sale or service of only ready-to-eat or packaged food in individual servings. Shall not include a vendor operating from a mobile food truck or pushcart on which food is cooked or prepared.

C. **Mobile Vending Unit:** Any portion of a mobile vending operation in which service or activity associated with the operation is provided. This shall not include generators or other machinery exclusively used to provide power to the operation.

5.82.020 – Mobile Vending License – Required

No person shall engage in mobile vending within City of Laramie without first having obtained a license from the City Manager’s Office, as provided in this section, unless the vending is part of an approved Special Event permit.

5.82.030 – Mobile Vending License – Application

A. Every person desiring a mobile vending license shall submit a completed Mobile Vending application to the City Manager’s office.

B. The City Manager or his/her designee shall review completed applications for compliance with all applicable laws and regulations and act in the interest of the public. Application review shall be completed within 14 calendar days from the date the city accepts the application and fee.

5.82.040 – Mobile Vending License – Fee – Expiration – Annual Renewal

A. If a Mobile Vending License is granted, the City Clerk shall collect an annual fee of fifty (\$50.00) dollars per Mobile Vending Unit.

B. The license shall expire on December 31st at 4:59 PM of each year, and may be renewed annually with the submission and approval of a completed Mobile Vending application to the City Manager’s Office.

5.82.050 – Mobile Vending License – Suspension and Revocation

A. A Mobile Vending License shall be a privilege, good for the period for which it is issued, subject to the condition, however, that it may, for good cause, be suspended at any time by the City Manager or his/her designee, requiring the vending to cease until violation is resolved. Revocation may occur by action of the City Council after a public hearing of which the licensee shall have not

less than fifteen days advance written notice in which the charges or complaints against the licensee are specified. Good cause shall be interpreted to include, but not to be restricted to:

1. Violations of any of the provisions of this article;
2. Failure to comply with agreed upon and signed regulations and license requirements;
3. Violation of any of the provisions of this code or other ordinances of the city or the laws of the United States or this state, the violation of which reflects unfavorably on the fitness of the holder to provide services which promote the health, safety, and welfare of the public.

B. Any mobile vending operator or property owner that is part of an ongoing or pending violation with the City of Laramie will not be allowed to operate, nor will be issued any further mobile vending license, or any other entitlements from the City until the violation is resolved. This shall include any permits associated with a Special Events Permit. Any person found to be in violation of this chapter shall also be fined as provided in the general penalty section of the Laramie Municipal Code.

1. This shall not include any criminal or parking violations with the City of Laramie Police Department.

C. Any appeals shall follow standard procedure outlined in the Laramie Municipal Code Section 1.20.220.

5.82.060 – Insurance – Required

All mobile vendors shall maintain Commercial General Liability insurance with a Combined Single Limit of \$1,000,000 per occurrence and Products Liability with a Combined Single Limit of \$1,000,000 per occurrence.

5.82.070 – General Regulations and Requirements

A. All mobile vending operations shall be required to have all valid and applicable licenses and approvals to provide desired service.

B. All mobile vending units shall be inspected in an appropriate manner that is approved by City of Laramie Fire Department to receive license.

C. All work or inspections performed shall be done by licensed and approved contactors. This shall include propane systems and piping, fire suppression systems, fire extinguishers, and installation of new kitchen equipment.

D. All mobile vending operations are required to have at least one person on-site at all times while in operation, that is qualified to move said operation and all units and accessories associated with the mobile vending operation.

E. Propane Requirements

1. All propane tanks used in association with a mobile vending operation shall have a proper and up-to-date certification.
2. All propane tanks shall be properly secured to a mobile vending unit and be inspected in an appropriate manner that is approved by the City of Laramie Fire Department.
3. All propane tanks shall conform to Wyoming Department of Transportation standards and regulations.

F. All access and service requirements associated with the Americans with Disability Act (ADA) shall be followed; including but not limited to the mobile truck/vendor, property owner and any other use associated with the operation.

G. Any audio amplification used in association with a mobile vending operation shall not be audible from any neighboring properties.

H. All Mobile Vendors shall maintain a minimum 15-foot separation from all fire hydrants and a 10-foot separation from all structures.

I. No smoking shall be permitted within a mobile vending unit during operation.

J. Delivery operations based out of a mobile vending unit shall be permitted while vending on private property.

K. All mobile vending operations shall be registered with the Wyoming Secretary of State Office if applicable.

5.82.080 – Mobile Vending on Private Property

Operating on private property, all mobile vendors shall comply with the following standards:

A. No operation outside of the approved zoning districts (Table 5.82-1).

B. Allowed hours of operation.

1. When located within 150 feet of a residential zoning district, the hours of operation shall be between 7 a.m. and 10 p.m. This measurement is taken from the edge of the residential zoning district in a straight line to the closest point of the approved mobile vending location.

C. The vending operation shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.

D. Permanent alterations to the site are prohibited unless in association with a Site Plan application approved by the City of Laramie pursuant to LMC 15.06.060.O.

E. Any temporary signage shall conform to the standards of LMC 15.14.120 and shall be removed when activity ends, and shall not be located within the City right-of-way.

- F. The vending operation shall not violate any prior approvals or conditions on the site in which they are operating.
- G. Vending on private property shall not exempt the operator from any permits or approval, such as food service or fire prevention.
- H. All units used or associated with the vending operation shall be located so as not to interfere with the normal operations of any permanent use located on the property.
- I. Off-street parking shall be adequate to accommodate both the permanent use and the vending operation.
- J. The location of the vending operation and all units associated with such shall not impede required fire access lanes, accessible routes, setbacks on the property, or clear vision triangles.
- K. Mobile vending operation shall have proper authorization to use property.
- L. Suitable receptacle(s) for litter/ recycling shall be located on-site or on-vehicle, and not located within the City right-of-way.
- M. No unit used or item associated with the vending operation shall impede City of Laramie right-of-way, including sidewalks.
- N. There shall be a maximum of three (3) mobile vendors per lot without an approved City of Laramie Special Events permit.
- O. Flashing or strobe lights associated with the mobile unit shall not be permitted.
- P. Mobile Vending shall not be allowed within 200 feet of the property boundary of any school containing any grades Kindergarten – 12th grade. Mobile vending may be allowed on School District property with written permission of the District.

5.82.090 – Mobile Vending within City Right-of-Way

No vending shall be permitted within City of Laramie right-of-way.

5.82.100 – Exceptions

A. Some standards within Section 5.82.080- Mobile Vending on Private Property may be waived by City staff for the duration of an approved Special Event permit.

B. Section 5.82.090- Mobile Vending within City Right-of-Way may be waived by City staff for the duration of an approved Special Event permit.

C. LMC Subsections 5.82.080.A, 5.82.080.B, and 5.82.080.P shall be waived while mobile vending operation is under private contract for a private event and not serving the public.

D. A Mobile Vending License shall not be required for operation during a permit-approved Special Event within the City of Laramie.

E. No Mobile Vending License shall be required for a unit which only vends from private premises in association with an approved site plan and on a site where the same or similar services or goods are also offered on a regular basis from an indoor location.

F. A Neighborhood Mobile Food Vendor may operate within Residentially zoned areas between the hours of 7 a.m. and 8 p.m.

G. Section 5.82.090 may be waived if vending in right-of-way adjacent to a City park with approval from the Parks and Recreation Department of the City of Laramie.

1. Parks and Recreation Department approval shall be given for specific day(s), date(s), and times.
2. While vending with Parks and Recreation approval, mobile vending operations shall still comply with all applicable regulations within sections 5.82.070 and 5.82.080.
3. Parks and Recreation Department approval shall not allow mobile vendors to vend in this manner past 10 p.m.

5.82.110 - Explanation of Table Abbreviations

“P” in a cell indicates that mobile vending operations are permitted in the respective zoning district. A blank cell indicates that mobile vending operations are prohibited in the respective zoning district.

Table 5.82-1

AG	RR	LR	R1	R2	R2M	R3	NB	B1	B2	DC	C2	LM	IP	I1	I2	O	TO
P							P	P	P	P	P	P	P	P	P	P	P

5.76.040 - Prohibited acts.

- A. No vendor shall violate any term of a license or permit issued under this chapter or any provision of this chapter.
- B. Vendors shall not use bells, horns, whistles, electrically or mechanically amplified sound, musical instruments, or any other sound producing device.
- C. Vendors shall not place or attach any sign, banner, or device upon or to any structure, tree, or bush in any park.
- D. Any promotional activities by any vendor shall be confined to the place of sale only. No vendor shall use or employ any other person to advertise, hawk, distribute, or promote the vendor's wares or business at any location other than the point of sale.
- E. No motorized vehicles, trailers, or mobile vending apparatus other than hand-held displays and pushcarts are permitted in parks. No merchandise, displays, containers, supplies, or other items related to the vendor shall be placed in the park or any right-of-way except in or on the hand-held display or pushcart.
- F. No person shall make any false statement upon a license application.
- G. No vendor shall be given approval to vend adjacent to a park past 10 p.m. unless in association with an approved Special Event Permit.
- H. No vendor shall store vehicle overnight at vending location after vending adjacent to a park.