

Mobile Retail Food Vendor License

Guidance

The following guidance is offered to provide insight into management of the Mobile Retail Food Vendor License.

A mobile food vendor is any person who operates in the Town selling or taking orders for or offering to sell or take orders for food from or upon the public right-of-way, or to a person on the public right of way.

A mobile food vendor apparatus is a cart, food truck, wagon, mobile stand, motor vehicle or other vehicle, or other appurtenances used to conduct mobile food vendor operations.

Definitions

Cart: A mobile retail food establishment that is a non-motorized unit designed so food is served from the exterior of the unit. A cart is intended to physically report to and operate from a commissary for servicing, restocking and maintenance each operating day.

Commissary: A facility that is approved by the executive director of CDPHE as a base of operation for a temporary retail food establishment, cart, mobile food establishment, catering operation or other food operation where food, containers, or supplies are kept, handled, prepared, packaged, or stored and is constructed and operated in compliance with the rules and regulations.

Mobile Retail Food Establishment: A retail food establishment that is a wheeled vehicle (such as a mobile truck or mobile trailer) that is readily movable and designed for the service of food from the interior of the unit and that is intended to physically report to and operate from a commissary for servicing, restocking, and maintenance each operating day. Per guidance, food trucks cannot park within 10 feet of another food truck or a structure.

Mobile Truck	Mobile Trailer	Push Cart
		

Required Documentation:

- ❖ Approval by Colorado Health Department
- ❖ Town of Ault Sales Tax License
- ❖ Ault-Pierce Fire Authority approval

- ❖ Lawful Presence Affidavit
- ❖ Trade Name Registration and Certificate of Good Standing with Colorado Secretary of State, if applicable.
- ❖ Copy of Health Inspection

Fees and Payment:

- ❖ Annual license fee for the first unit: \$25
- ❖ Annual license fee for each additional unit: \$25
- ❖ Late renewal fee: \$25
- ❖ Duplicate license fee: \$5
- ❖ Town of Ault Sales Tax License fee: \$10

Where Can I Park My Truck or Cart?

	On the Street	On Private Property	As a part of a larger public event	In a public park
Allowed	Yes, following rules not to disrupt flow of traffic			All parks except Caboose Park: Yes, unless where permanent concession stand is in operation
Permission Required		Allowed with written documentation of property owner	Yes, with approval event organizer	Caboose Park: of Approval must be granted and certificate updated to reflect permission

Location Restrictions

- ❖ Caboose Park: Approval must be granted, and said approval must be included on the License Certificate and present with the mobile unit.
- ❖ Private Property: Written approval by the property owner must be present with the mobile unit when occupying said private property.

Rules and Regulations

- ❖ Cannot sell to any person who is standing in the street.
- ❖ Cannot place anything - including chairs, tables and signs - on a public sidewalk or in the street.
- ❖ Not within 20 feet of an intersection when making a sale or attempting to make a sale.

- ❖ When two or more trucks are operating in the same proximity, trucks must be at least 10 feet apart from one another.
- ❖ Operation in parks with permanent concession facilities is prohibited when concessions are in operation; the separation and zoning requirement doesn't apply during special events.
- ❖ Licenses must be kept with the mobile retail food establishment or pushcart and presented to Town officials upon request.
- ❖ Operations are responsible for maintaining trash receptacles and shall maintain all areas used for food vending in a safe, clean, and attractive condition.
- ❖ Mobile retail food establishments and pushcarts must be removed from any site at the end of each business day (unless otherwise approved).
- ❖ The operator must obey all parking and traffic laws.
- ❖ Mobile retail food establishments and pushcarts must not obstruct pedestrian or bicycle access/ passage and must not obstruct parking lot circulation or impede traffic flow.
- ❖ Structures, canopies, tables, or chairs are not permitted to be set up around the mobile retail food establishment or pushcart.
- ❖ Operators must dispose of all waste in accordance with Weld County Health Department regulations

Last Updated: June 4, 2024

Chapter 4. 04 Mobile Food Vendors

Sections:

4. 04. 010 Definitions

4. 04. 020 License Required; Fees; Term; Exemption

4. 04. 030 Mobile Food Vendor Regulations; Prohibitions

4. 04. 010. Definitions

Food is defined as any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use

or for sale in whole or in part for human consumption.

Mobile Food Vendor is defined as any person who operates in the Townselling or taking orders for or offering to sell or

take orders for food from or upon the public right-of-way, or to a person on the public right-of-way.

Mobile Food Vendor Apparatus is defined as a cart, food truck, wagon, mobile stand, motor vehicle or other vehicle, or

other appurtenances used to conduct mobile food vendor operations.

Mobile Food Vendor Operations is defined the retail business operation of a mobile food vendor apparatus that stores,

prepares, or packages food for sale for human consumption or serves or otherwise provides food for sale for human

consumption to consumers directly or indirectly within the Town, other than delivery from regularly established permanent business locations.

4. 04. 020. License Required; Fees; Term; Exemption

A. It shall be unlawful for any person to operate as a mobile food vendor within the Town without first obtaining a license. Fees for mobile food vendors shall be established by the Board of Trustees in the Fees Schedule, and the license

shall expire one (1) year from the date of issuance, unless suspended or revoked earlier.

B. Nothing in this part is intended to inhibit or prohibit the lawful order, sales, or delivery of food from regularly established permanent business locations.

4. 04. 030. Mobile Food Vendor Regulations; Prohibitions

A. It shall be unlawful for any mobile food vendor to stop or to place a mobile food vending apparatus, food, tables,

chairs or other fixtures, furniture, devices, generators or awnings used to conduct mobile food vendor operations so as to obstruct the free travel of pedestrians or vehicles in, on, near or above any public street, sidewalk, or other public right-of-way.

B. It shall be unlawful for a mobile food vendor to stop or operate within twenty feet (20') of an intersection, or to sell or attempt to sell to any person who is standing in the street or roadway, or operate in any area so as to interrupt or interfere with the normal flow of vehicular or pedestrian traffic.

C. No mobile food vendor's license shall be valid within the boundaries of, or within three hundred feet (300') of, any

temporary park use permit for a special event or revocable permit for a special event issued by the Town which expressly prohibits, limits or regulates licensed mobile food vendor activities. The term "special event" as used in this section means activities such as, but not limited to, festivals, concerts, games and athletic events, parties, celebrations, picnics, parades, educational presentations and reenactments, memorial services, classes and other similar activities for which a revocable permit for the exclusive use of public property has been issued as provided by the this Code.

1. It shall be unlawful for any mobile food vendor, including persons licensed under this part, who is not a bona fide participant under a temporary park use permit or a revocable permit for a special event, to operate within the boundaries of a revocable permit for a special event, or within three hundred feet (300') of the boundaries of a revocable permit for a special event.

2. It shall be unlawful for any mobile food vendor, including persons licensed under this part, who is not a bona fide participant under a revocable permit for a special event, to refuse or fail to comply immediately with an order from a Town Police Officer or Fire Department personnel, or Town Clerk's Office to remove their

operation and physically leave the boundaries of the revocable permit for a special event, or to a point at least three hundred feet (300') from the outer boundaries of the revocable permit for a special event.

D. It shall be unlawful to sell or offer to sell any goods, wares or merchandise other than food upon Town property or Town rights-of-way.

E. It shall be unlawful for any mobile food vendor to violate the provisions of the Town Code and any regulations or licensing requirements of the Colorado or Weld County Departments of Health and Environment.

F. It shall be unlawful for any mobile food vendor to conduct mobile food vendor operations from any loading zone, fire lane, or alley without the approval of a temporary permit.

G. It shall be unlawful to engage in mobile food vendor operations upon any private property without the express written permission of the owner.

H. Menus, advertising and other signs related to the mobile food vendor operation may be affixed to the mobile food

vendor apparatus so long as the menu, advertisement or other sign does not extend beyond the physical limits of the apparatus.

I. No artificial lighting device may be erected on the public right-of-way or affixed to the mobile food vendor apparatus.

J. It shall be unlawful to connect, either permanently or temporarily, any mobile food vendor apparatus or other item

used in mobile food vendor operations to any water, wastewater, gas, electric or other utility service.

K. Mobile food vendor operations in an area that is zoned or used for residential purposes may only be conducted between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M. Any mobile food vendor apparatus used in an operation must be removed from the public right-of-way in an area that is zoned or used for residential purposes between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M.

L. Mobile food vendor operations in an area that is zoned or used exclusively for commercial, office or industrial uses

may not be conducted between the hours of three o'clock (3:00) A.M. and seven o'clock (7:00) A.M. Any mobile food vendor apparatus used in an operation must be removed from the public right-of-way in an area that is zoned or used exclusively for commercial, office or industrial purposes between the hours of three o'clock (3:00) A.M. and seven o'clock (7:00) A.M.

**TOWN OF AULT
APPLICATION FOR MOBILE FOOD VENDORS**

Date of Application _____

Owner's name _____

Business name _____

Phone number (s) _____

Mailing and physical address _____

Email address _____

Date(s) of Event _____

Location of Event _____

Description of the proposed mobile food vending vehicle with photo

Ault-Pierce Fire Authority approval: *(Applicants must schedule an appointment with Ault-Pierce Fire Chief for inspection: 970-834-2848)*

Attachments

- ☐ Proof of general liability insurance
- ☐ Current health inspection certification from the relevant County Department of Public Health
- ☐ Fees: \$25 annual licensing
- ☐ Sales Tax License #: _____
- ☐ Parking/Seating plan (if applicable)

For Office Use Only

Date Received _____

Fee Paid / Date _____

Approval _____