

Pub
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ORDINANCE 2021- 17

AN ORDINANCE CREATING ARTICLE 10-11 OF THE ORDINANCES OF THE CITY OF ROCK SPRINGS ENTITLED "PERMITTING AND REGULATION OF MOBILE VENDORS."

WHEREAS, there has been a noticeable proliferation of mobile food vendors operating within the corporate limits of the City of Rock Springs; and,

WHEREAS, mobile food vendors have heretofore been treated as "transient merchants" under the City's existing ordinance; and,

WHEREAS, recognizing the growing number of mobile food vendors which have begun operating in various locations throughout the City, the varying conditions under which they operate, and the myriad of food products they dispense, the Governing Body of the City of Rock Springs finds that is in the best interests of the citizens of the City of Rock Springs to adopt reasonable rules for the permitting and regulation of mobile food establishments by requiring compliance with minimum standards for safety, security, and consistency.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROCK SPRINGS, STATE OF WYOMING:

Section 1. That Article 10-11 of the Rock Springs City Ordinances entitled "PERMITTING AND REGULATION OF MOBILE VENDORS" be and it is hereby created to read as follows:

10-1101 Purpose

The Governing Body of the City of Rock Springs, Wyoming recognizes that Mobile Vendors contribute to the diversity of food and retail options, provides business opportunities for local entrepreneurs, and encourages economic activity in the community. The purpose of this ordinance is to provide regulation of mobile vendors within public and private property to protect the health and safety of city residents and visitors by ensuring mobile vendors follow clear, narrowly tailored regulations that address demonstrable health and safety risks.

10-1102 Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

Food: 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 Catering/Caterer: A Mobile Vendor invited as a guest to a property to provide food, drink, or other products intended to be consumed at an event, picnic, bazaar, fair, rodeo, special holiday, activity, or similar private gathering where the attendees or patrons do not pay additional individual costs.

Mobile Vendor: Any person that sells or offers for sale goods, products, services, or food from a mobile vending unit within the city.

Mobile Vending Court: A group of two or more Mobile Vendors renting, leasing, or using private property to provide a location for Mobile Vendors to make sales.

Mobile Vending Permit: A permit issued by the City of Rock Springs that authorizes the use of a Mobile Vending Unit within the City of Rock Springs in accordance with the requirements of this Chapter. A Mobile Vending Permit shall be issued in addition to the required Occupational Tax as outlined in Article 9-2 of the Rock Springs Municipal Code.

Mobile Vending Units:

- a. A motorized vehicle, as defined by W.S. § 31-1-101(a)(xv), from which a vendor offers for sale or sells goods, products, services or food to the public; or
- b. A trailer that is pulled by a motorized vehicle and has no power to move on its own from which a Mobile Vendor offers for sale or sells goods, products, services, or food to the public.
- c. A Mobile Vending Unit includes tables and other means of product display provided the goods are transported or delivered to the sale location by a mobile vending unit.

Neighborhood Mobile Vendor: A vendor operating on streets, sidewalks, alleys, or other areas generally accessible to the public in residential zoning districts which provide a retail sale or service of only ready-to-eat or packaged food in individual servings from a mobile vending unit.

Special Event: An activity, such as shows and exhibits of any kind, conventions, parades, circuses, sporting events, fairs, and carnivals, held for a limited period at a designated location on Public Space and authorized by the Governing Body.

Stationary Vendor: A vendor who operates a Mobile Vending Unit on a property that is leased or owned by the Mobile Vendor for a period exceeding thirty (30) consecutive days.

10-1103 Mobile Vending Permit

A. Prior to operating, Mobile Vendors and Neighborhood Mobile Vendors within the City of Rock Springs must obtain a Mobile Vending Permit in addition to the City of Rock Springs Occupational Tax as outlined in Article 9-2 of the City of Rock Springs Municipal Code. Mobile Vending Permits shall be obtained at least five (5) business days prior to the first day of the sale of goods. A separate permit shall be required for each mobile vending unit except as allowed by this Chapter. Mobile Vending Caterers, when operating at a private event as defined, are exempt from this permit requirement. Mobile Vending Caterers are still responsible to obtain a Rock Springs Occupational Tax as defined in Article 9-2.

B. Permit Application Requirements:

1. Applicant shall provide:

- a. Name, address and contact information, including valid telephone number, of the owner of the Mobile Vending Business
 - b. A description of the mobile vending unit including a printed, color photograph of such mobile vending unit.
 - c. Proposed days and hours of operation.
 - d. Type of items, services or goods to be sold.
 - e. Proof of current and valid driver's license.
 - f. A copy of the current Wyoming Department of Agriculture or Sweetwater County Health Department License (food service permit) if applicable.
 - g. Current and valid vehicle insurance for each mobile vending unit (if applicable).
 - h. Current and valid vehicle registration for each mobile vending unit (if applicable).
2. Permits shall be displayed at all times in a conspicuous place on the mobile vending unit where they can be read by the general public.
3. The City of Rock Springs may create a standard form for applications that may require additional information not required by this Ordinance.

C. Additional Permits:

1. A permit granted by this Chapter shall not constitute permission for or allow the sale of alcoholic beverages.
2. A permit granted by this Chapter shall not grant or authorize the blockage of any public right of way unless specifically authorized by the City of Rock Springs.
3. In addition to the Mobile Vending Permit Application and requirements, Stationary Mobile Vendors shall follow the Minor Site Plan procedures outlined in the Rock Springs Zoning Ordinance, Section 13-904, and the Conditional Use Permit procedures outlined in the Rock Springs Zoning Ordinance Section 13-905.
4. Mobile Vending Courts shall follow the Minor Site Plan procedures outlined in the Rock Springs Zoning Ordinance, Section 13-904, and the Conditional Use Permit procedures outlined in the Rock Springs Zoning Ordinance Section 13-905.

D. Permit Denial

1. The City Clerk shall not issue a Mobile Vending Permit if:
 - a. The applicant's Mobile Vending Permit has been revoked within the past one (1) year.
 - b. The application for renewal of a Mobile Vending Permit has been denied as provided hereafter; or
 - c. The applicant has been convicted for vending without a license as required hereunder.
2. An applicant must be at least eighteen (18) years of age to be eligible to be issued a Mobile Vending Permit, provided that such age restriction shall not preclude an individual from becoming an employee of a duly licensed Vendor.

E. Permit Expiration

1. Annual permits expire on December 31st of each year and shall be renewed annually.
2. Monthly permits expire thirty (30) days after the date of issuance.

F. The City may waive the requirement of having a Mobile Vending Permit if the mobile vendor is to be a participant in a Special Event as previously defined.

G. Permit Fees shall be established as follows:

1. Applicants for a monthly Mobile Vending Permit shall pay a Mobile Vending Permit fee of \$25.00.
2. Applicants for an annual Mobile Vending Permit shall pay an annual Mobile Vending Permit Fee of \$100.00.

10-1104 Suspension or Revocation of a Permit

A. The City of Rock Springs may revoke or suspend a Mobile Vending Permit, or deny an application for the issuance or renewal of a Mobile Vending Permit, for any of the following reasons:

1. Fraud, misrepresentation, or false statements contained in the permit application;
2. Violation of any local or State law or regulation governing the operation of the Mobile Vending Unit by the Wyoming Department of Agriculture or the Sweetwater County Health Department;
3. Violation of any criminal code while actively engaged in the business of vending;
4. The vendor is vending at a location without the permission of the property owner.

B. The City of Rock Springs may summarily suspend and seize a Mobile Vending Permit, without prior notice to the vendor or an opportunity to be heard, for:

1. The possession, sale, or offering for sale of controlled substances;
2. The sale of adulterated food when a determination is made by the Wyoming Department of Agriculture or by the Sweetwater County Health Department Director that the food is adulterated;
3. Failure to provide all required certificates of authority upon demand by an authorized government official;
4. Any activity or condition that constitutes a threat to the public health or safety, including the health or safety of the vendor.

C. Except for a summary suspension or seizure of the Mobile Vending Permit, upon the suspension or revocation of a vendor's Mobile Vending Permit, the City Clerk shall provide the vendor with written notice of that action and of the vendor's right to appeal to the City Council.

D. If a person's Mobile Vending Permit is summarily suspended, the person may appeal the summary suspension or denial to the City Council.

- E. A notice issued by the City Clerk under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) business days prior to the date of the hearing.
- F. Upon revocation or suspension, including summary suspension, of a person's Mobile Vending Permit, the City Clerk may immediately seize the person's Mobile Vending Permit.
- G. A vendor shall surrender his or her Mobile Vending Permit within seven (7) days from the date of the receipt of the notice in § 10-1104 C.

10-1105 Locations on Private and Public Property

- A. Locations on Private Property
 - 1. Any Mobile Vendor located on private property shall have written permission from the owner to conduct sales and business from the location.
- B. Locations on Public Property
 - 1. Mobile Vendors and Neighborhood Mobile Vendors shall be allowed to operate on public property only upon receiving written permission of the Mayor or the Mayor's designee.

10-1106 Operation and Sales

- A. Hours of Operation.
 - 1. Mobile Vendors may operate on public property in nonresidential zones from 6:00 a.m. - 2:00 a.m. All mobile vending vehicles and equipment must be removed from public property by 2:00 a.m. each day and shall not return prior to 6:00 a.m. unless otherwise approved with a special event permit.
 - 2. Mobile Vendors within 200 feet of a residential zoning district must cease operation by 10:00 p.m. Sunday - Thursday and by 12:00 a.m. on Friday and Saturday unless approved otherwise with a special event.
 - 3. Neighborhood Mobile Vendors operating within a residential zone must cease operation by 8:00 p.m. unless otherwise approved with a special event.
- B. The mobile vending unit shall be properly secured and open flames extinguished when the unit is unoccupied.
- C. Waste Management.
 - 1. Mobile Vendors serving food or related items with disposable material shall provide waste containers. All Mobile Food Vendors will be responsible for maintaining the sidewalk, street and premises adjacent to their operations free from any rubbish, refuse, and/or litter. All solid waste shall be disposed of at a proper

facility or using a permitted solid waste handling disposal company. At no time shall solid waste be disposed of in unauthorized private or public refuse containers.

D. Parking and Pedestrian Access

1. Mobile Vendors must operate their mobile vending unit in a manner that does not impede pedestrian access along a sidewalk or public right-of-way. The vendor must maintain a clear pedestrian pathway along the public sidewalks at all times.
2. The mobile vending vehicle and associated equipment shall not encroach into a vision clearance triangle formed by lines extending forty (40) feet from the corner in each direction from the intersection and driveway access.
3. Mobile vending vehicles and associated equipment shall be a minimum of ten (10) feet from fire hydrants.

E. Noise, Lighting, Signage, and Fire Prevention

1. Mobile Vendors shall adhere to all ordinances of the Rock Springs Municipal Code including but not limited to those regarding noise, lighting, signage, and fire prevention standards, and shall be inspected by the Fire Inspector or other City Officials to ensure Municipal Code compliance for the health, safety, and general welfare of the public.
2. All signage must be attached to the Mobile Vending Unit with the exception of one (1) portable sign not to exceed eight (8) square feet and which shall be removed nightly at the close of business.

F. Public Utilities

1. The mobile vending unit must be self-contained.
2. The mobile vending unit may not connect to any utilities while within the public right-of-way.
3. Mobile Vending Units on private property may take water or power from a private property service with written permission of the owner provided that connections and cords must be properly sized for the intended use and cabling and other devices or equipment must be properly secured and marked across pedestrian ways to avoid tripping and other hazards.
4. Mobile Vending Units may receive written approval from the designated Department Head or designee to connect to City-owned power sources in public parks or other public areas of the City of Rock Springs.
5. Wastewater.
 - a. All wastewater generated must be contained in a manner that does not create unsanitary conditions or creates a public health hazard while being held for disposal. Disposal of all wastewater must occur in a continuous manner at a permitted wastewater facility. The City Water Reclamation Facility may be contacted for this disposal during normal business hours. Vendors may also utilize permitted waste haulers to service the Mobile Vending Unit as long as no contamination of the ground or adjacent area occurs. Records of all disposal

locations and/or services by a waste hauler must be maintained on the unit at all times for review at the request of the City of Rock Springs. This record shall include the location, date, time, and hauler name/contact information/certification information.

- b. Any Vendor found to be illegally disposing of their wastewater or solid waste will have their license revoked and shall not be eligible for another license for a period of two years. The illegal disposal will also be reported to the appropriate State and Federal Agencies to prosecute accordingly.

10-1107 Enforcement

- A. In addition to the provisions of this Chapter, Mobile Vendors must comply with all other applicable local, State, and Federal Laws, including but not limited to motor vehicle licensing laws, motor vehicle dimension standards pursuant to State Law, health department permitting requirements, fire and safety regulations, and the Rock Springs Municipal Code.

Whoever violates any provision of this chapter shall be punishable by a fine of not more than \$750.00. A separate offense shall be deemed committed on each day that a violation occurs or continues.

This ordinance shall take effect immediately after it has been posted or published as required by law.

PASSED AND APPROVED this _____ day of _____, 2021.

President of the Council

Mayor

Attest:

City Clerk

1st Reading _____

2nd Reading _____

3rd Reading _____