

**ORDINANCE NO. 2022-10**

**AN ORDINANCE AMENDING CHAPTERS 17.07 AND 17.09 OF THE FRUITA LAND USE CODE CONCERNING MOBILE FOOD VENDORS AND MOBILE VENDOR COURTS.**

**WHEREAS**, Title 17 of the City of Fruita (the “City”) Municipal Code (the “Code”) sets forth Land Use and Zoning policies commonly referred to as the Fruita Land Use Code;

**WHEREAS**, the Land Use Code has been established for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the community;

**WHEREAS**, City staff has proposed amendments to the Land Use Code for consideration; and

**WHEREAS**, the Planning Commission reviewed the amendments set forth below on January 11, 2022 and formalized their recommendation regarding those amendments with a vote of 6 to 0 recommending approval of the proposed amendments; and

**WHEREAS**, this Ordinance was introduced at first reading on January 18, 2022 pursuant to Section 2.13(B) of the City Charter; and

**WHEREAS**, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

**NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:**

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council.

**Section 2. Amendments to Chapter 17.07.020.** Chapter 17.07.020 is hereby amended to include the addition of a review procedures for Mobile Vendor Courts:

Table 17.07.020, Summary of Review Procedures						
Application Review Procedure (Does not include all application types)	Pre-Application Meeting	Neighborhood Meeting	Staff Review	Planning Commission	Board of Adjustment	City Council
	M = Mandatory O = Optional		R = Recommendation D = Decision			
Land Development Applications						
<i>Mobile Vendor Court</i>	<i>M</i>	<i>O</i>	<i>D</i>	-	-	-

**Section 3. Amendments to Chapter 17.09.** Chapter 17.09 is hereby amended to include the addition of Section 17.09.110 and to read as follows:

**17.09.110 Mobile Food Vendor and Mobile Vendor Court.**

- A. Purpose. The purpose of this regulation is to allow mobile vendors to operate on private property in certain zone districts in the City.
- B. Applicability. These regulations apply to all mobile food vendors and mobile vendor courts operating on private property, except when a mobile food vendor or mobile vendor is operating as a temporary use under the provisions of Section 17.05.100 (E).
- C. Signage. The total allowable square footage of signage for a mobile vendor shall be 32 square feet, excluding signage fixed to an operable motor vehicle.
- D. Landscaping, Screening and Buffering. Mobile food vendors operating as a temporary use are exempt from the landscaping requirements of the Land Use Code. Mobile vendor courts are subject to the landscaping, screening and buffering provisions of Section 17.13 of the Land Use Code.
- E. Parking. Off-street parking shall be provided according to the provisions of Section 17.37 of the Land Use Code. Alternatively, required parking may be met through the provision of a written parking agreement with the owner of a property within 500 feet of the mobile vendor, as measured from the line of the property whereon the mobile vendor is located to the line of the property whereon parking is located. Mobile food vendors operating as temporary uses under the standards of Section 17.05.100(E) shall be exempt from this requirement.
- F. Sanitary Facilities. Any mobile food vendor or mobile vendor court shall provide and maintain a sanitary facility on site or shall provide and maintain a written agreement with a property and/or business owner allowing mobile vendor employees and customers to share the use of that property's existing sanitary facilities. The structure containing shared sanitary facilities must be located within 750 feet from location of the mobile vendor as identified on the approved site sketch. No shared sanitary facility may be shared with a residential land use. Mobile food vendors operating as temporary uses under the standards of Section 17.05.100(E) shall be exempt from this requirement.

- G. Utilities. *Permanent hookups to utilities shall not be provided for mobile vendors which are operating as a temporary use under the standards of Section 17.05.100(E) but may be provided for mobile vendor courts.*
- H. Wastewater Discharge. *Wastewater produced by mobile vendors shall be discharged only at a facility with an approved industrial pretreatment system or by a licensed waste hauler.*

**Section 4. Amendments to Chapter 17.57.** Chapter 17.57 is hereby amended to include the addition of the definitions of a Mobile Food Vendor and Mobile Vendor Court to read as follows:

*Mobile food vendor means a readily movable, motorized wheeled vehicle or towed wheeled vehicle that is equipped to prepare, or serve, and sell or dispense food and is registered with a department/division of motor vehicles.*

*Mobile vendor court means three or more mobile vendors on the same property.*

**Section 5. Codification of Amendments.** The codifier of the City's Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Code. The City Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

**Section 6. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

**Section 7. Effective Date.** This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 2.13(G) of the Fruita Home Rule Charter.

**Section 8. Safety Clause.** The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 9. Publication.** The City Clerk is ordered to publish this Ordinance in accordance with Chapter 2.13(F) of the Code.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS  
15<sup>TH</sup> DAY OF FEBRUARY 2022.**

CITY OF FRUITA

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Joel Kincaid, Mayor

ATTEST:

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Margaret Sell, City Clerk