


DATE: May 10, 2010	AGENDA NO. VII. 8. b.	SUBJECT: An Ordinance amending Chapter 10, Article VIII, allowing additional renewal periods for transient dealer's licenses relating to food and beverage vendors and clarifying the number of individuals who may engage in business under a license
Department Head:		
City Manager:  Nathan M. Cherpeski		
PRESENTED BY:		

Recommendation:

It is the recommendation of staff to adopt alternative 1 adopting the proposed ordinance.

Background:

The existing solicitors and peddler's ordinance contemplates the issuance of a transient dealer's license for peddlers, solicitors, and transient sellers, who generally engage in the business of selling goods and services not from a fixed location. Staff has recently received requests for licensing of mobile vendors of foodstuffs. Such a business would not be issued a normal sales tax license under Chapter 18, because it does not have one or more fixed places of business, and also because it apparently intends to operate from streets or other public property. The appropriate license would appear to be one under Chapter 10, Article VIII. However, such licenses are limited to 14 days, and are not renewable. That does not dovetail well with the type of business sought to be licensed. This ordinance would amend Section 10-216(1) of the *Code of Ordinances of the City of Alamosa* to allow for renewals of such licenses for vendors of food and beverages, up to a total of 180 days per year.

Additionally, Section 10-218 requires separate licenses for every person engaged in the licensed business, making it cumbersome for such a business to have more than one person involved in the business, an unrealistic process. This ordinance would amend Section 10-218, requiring only one license so long as all persons operating under that license are operating in the same location, ie allowing multiple servers at a food stand.

Issue Before the Council:

Does Council wish to enact an ordinance amending the renewal limitations of transient dealer's licenses for food and beverage operators, thereby permitting such businesses to operate for longer periods of time?

Alternatives:

Alternative 1: Adopt the proposed ordinance

Alternative 2: Adopt the proposed ordinance with amendments.

Alternative 3: Decline to adopt the proposed ordinance, and give staff further direction.

Fiscal Impact:

None

Legal Opinion:

The City Attorney will be present for any comments.

Conclusion:

The proposed ordinance would permit the licensing of mobile vendors of food and beverages, such as taco stands, hot dog stands, ice-cream trucks in a way consistent with the *Code of Ordinances of the City of Alamosa*.

ORDINANCE NO. 10, 2010

AN ORDINANCE AMENDING ARTICLE VIII OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF ALAMOSA, COLORADO, TO ALLOW FOR THE RENEWAL OF TRANSIENT DEALER'S LICENSES FOR FOOD AND BEVERAGE VENDORS AND TO ALLOW FOR MORE THAN ONE INDIVIDUAL TO OPERATE UNDER A LICENSE SO LONG AS OPERATING IN THE SAME LOCATION

WHEREAS, the existing Article VIII of Chapter 10 of the Solicitors and Peddlers ordinance for the City of Alamosa does not provide for the operation of mobile stands selling food and beverages beyond a period of 14 days duration; and

WHEREAS, the existing Article VIII of Chapter 10 does not allow multiple persons to operate under a license, even when operating out of the same location as employees of the license holder; and

WHEREAS, there is a need and desire for such businesses to enhance the utility and attractiveness of the City; and

WHEREAS, the City Council of the City of Alamosa, Colorado, deems it to be in the best interest of its citizens that provision be made for the appropriate licensing and regulation of such businesses;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Alamosa, Colorado, as follows:

Section 1. Amendment of Section 10-216 (1) of Article VIII of Chapter 10. Section 10-216(1) of the *Code of Ordinances of the City of Alamosa* is hereby amended to read in its entirety as follows:

(1) A transient dealer's license shall be issued for a period of fourteen (14) days and may not be renewed, except that a transient dealer's license issued for the sales and delivery of food and/or beverage may be issued for a period not to exceed 180 days in any calendar year.

Section 2. Amendment of Section 10-218 of Article VIII of Chapter 10. Section 10-218 of the *Code of Ordinances of the City of Alamosa* is amended to read in its entirety as follows:

10-218. Separate license required for each person engaging in business.

No more than one (1) individual person shall engage in business or operate under the same transient dealer's license, whether as principal or agent, or as an assistant to any principal or agent, unless such additional person or persons is operating as an employee of the licensee, and is assisting the licensee in the same location as the licensee operating

Section 3. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 4. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 5. Effective Date. This ordinance shall take effect ten (10) days after publication following final passage.

Section 6. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

INTRODUCED, READ AND APPROVED on first reading the 19th day of May 2010, and ordered published as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 2nd day of June 2010, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 2nd day of June 2010.

CITY OF ALAMOSA

By _____
Kathleen Rogers, Mayor

ATTEST:

Judy A. Egbert, City Clerk