

ORDINANCE NO. 865

AN ORDINANCE OF THE TOWN OF SARATOGA, CARBON COUNTY, WYOMING AMENDING TITLE 5 OF THE TOWN OF SARATOGA MUNICIPAL CODE REGULATING MOBILE VENDING WITHIN THE TOWN OF SARATOGA AND TO PROVIDE AN EFFECTIVE DATE

WHEREAS, the Governing Body of the Town of Saratoga wishes to preserve the public peace, health, safety, and welfare of all residents of the Town of Saratoga; and,

WHEREAS, Title 5 of the Town of Saratoga Municipal Code concerns business licenses and regulations; and,

WHEREAS, the Town of Saratoga Municipal Code prior to this Ordinance is silent regarding the regulation and licensing of mobile vendors; and,

WHEREAS, the Governing Body of the Town of Saratoga has determined it is in best interest of the citizens of the Town to amend Title 5 of the Town of Saratoga Municipal Code to include regulations and licensing of mobile vendors to preserve the public peace, health, safety, and welfare of all residents of the Town of Saratoga; and,

WHEREAS, the governing body of the Town of Saratoga has given public notice of said amendment and the ordinance has been made available for the public to review at the office of the Town Clerk; and,

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SARATOGA, CARBON COUNTY, WYOMING that Title 5 of the Saratoga Municipal Code shall be amended to read as follows:

Section 1. Chapter 5.40 of the Saratoga Municipal Code is hereby created to read as follows:

Chapter 5.40 MOBILE VENDING

5.40.010 Definitions.

"Mobile" means able to move or be moved freely and easily; not affixed to the ground. Mobile vending operations are truly of a mobile nature who have the ability to "routinely" or "regularly" change locations.

"Mobile food vendor" means an outdoor vendor operating from a mobile vehicle, trailer, or pushcart licensed for use in the retail sale or service of ready-to-eat or packaged food including a vendor operating from a mobile food truck, trailer, or pushcart on which food is cooked or prepared.

"Mobile vending unit" means 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.

5.40.020 Mobile Vending License – Required

No person shall engage in mobile vending within the town without first having obtained a license from the town clerk's office, as provided in this section, unless exempt under Section 5.40.030.

5.40.030 Mobile Vending License – Exemptions

A. A Mobile vending license shall not be required for operation at and during a permit-approved special event.

B. A Mobile vending license shall not be required for any farmer or producer who sells or disposes of his or her own agricultural products, including fruits or vegetables, or of beef, mutton or pork; provided, that such meats are produced in accordance with all health regulations and laws if such merchandise is produced by him or her in the State of Wyoming, or for the delivery of any product as authorized under the Wyoming Food Freedom Act, W.S. 11-49-101 through 11-49-104.

C. A Mobile vending license shall not be required for any civic or nonprofit organization, including members of school classes, sanctioned school groups, FFA, 4-H, FHA, S Club, TAA, Theta Rho, Job's Daughters, Lions Club, Rotary Club, American Legion, and other civic nonprofit organizations.

D. A Mobile vending license shall not be required for individuals under the age of eighteen selling lemonade, iced tea, or other flavored drink mixes.

E. Sections 5.40.100 shall be waived for mobile vending units operating on CCSD#2 grounds with written approval from CCSD#2 administration.

F. Subsections 5.40.090.A and 5.40.090.C shall be waived while mobile vending operation is under private contract for a private event and not serving the public.

G. 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.

H. Section 5.40.110 may be waived if vending in right-of-way adjacent to a town park with approval from the parks and recreation department of the town.

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 5.40.080 and 5.40.090.

3. Parks and recreation department approval shall not allow mobile vendors to vend in this manner past eight p.m. Is this necessary? Does this conflict with the 10pm curfew in the parking lot at the pools? Would there be a scenario where a truck would be set up in the parking lot until 10, but one in the ROW would close at 8? Consider changing to 10pm.

5.40.040 Mobile Vending License – Application

A. Every person desiring a mobile vending license shall submit a completed mobile vending application to the town clerk's office.

B. The town clerk 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 fourteen calendar days from the date the town accepts the application and fee.

5.40.050 Mobile Vending License – Fee – Expiration – Annual Renewal

A. If a mobile vending license is granted, the town clerk shall collect an annual fee of fifty dollars (\$50.00) per mobile vending unit.

B. The license shall expire on December 31 at four fifty-nine p.m. of each year, and may be renewed annually with the submission and approval of a completed mobile vending application to the town clerk's office.

5.40.060 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 town clerk or his/her designee, requiring the vending to cease until violation is resolved. Revocation may occur by action of the town council after a public hearing of which the licensee shall have not less than ten 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 Chapter;
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 town 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 town will not be allowed to operate, nor will be issued any further mobile vending license, or any other entitlements from the town 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 Saratoga Municipal Code.

1. This shall not include any criminal or parking violations with the police department.

5.40.070 Insurance Required

All mobile vendors shall maintain commercial general liability insurance with a combined single limit of one million dollars per occurrence and products liability with a combined single limit of one million dollars per occurrence.

5.40.080 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 the Wyoming Department of Agriculture 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.
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 fifteen-foot separation from all fire hydrants and a ten-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 hold a valid food service permit from the Wyoming Department of Agriculture Consumer Health Services and be registered with the Wyoming Secretary of State Office if applicable.

L. No mobile vendor shall discharge liquid waste, trash, or debris into sanitary sewers, storm drains, right-of-ways, or public property. The discharge of grease onto the ground or into sanitary sewers or storm drains shall be strictly prohibited.

5.40.090 Mobile Vending on Private Property

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

A. No operation of a mobile vending unit shall be permitted outside of Retail Business and Highway Business zone districts.

B. Allowed hours of operation.

1. When located within one hundred fifty feet of a residential zoning district, the hours of operation shall be between eight a.m. and eight 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.

2. When located in excess of one hundred fifty feet of a residential zoning district, the hours of operation shall be between seven a.m. and ten 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. Mobile vending shall not be allowed within two hundred 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. Why? Safety? What about on a weekend otherwise allowable?

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

E. Any temporary signage shall conform to the standards of Saratoga Municipal Code Chapter 18.63 and be removed outside hours of operation and shall not be located within the town 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 right-of-way, including sidewalks.

N. There shall be a maximum of one mobile vendor per lot without an approved special events permit.

O. Flashing or strobe lights associated with the mobile unit shall not be permitted.

5.40.100 Mobile Vending on Public Property

Mobile vending may be permitted within public property at specific locations and during times when the Town of Saratoga streets department designates public parking spaces for the specific purpose of mobile vending use on a temporary basis. The use of such areas shall be on a first-come basis. No vending shall be permitted within public property other than within a posted area.

A. Areas within the following locations may be designated for mobile vending use on a temporary basis:

1. Never Forget Park parking lot.

2. Hobo Pools parking lot.

B. The hours of operation shall be between seven a.m. and ten p.m.

C. Any temporary signage shall conform to the standards of Saratoga Municipal Code Chapter 18.63 and be removed outside hours of operation and shall not be located within the town right-of-way.

D. Vending on public property shall not exempt the operator from any permits or approval, such as food service or fire prevention.

E. 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.

F. 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.

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 right-of-way, including sidewalks.

O. Flashing or strobe lights associated with the mobile unit shall not be permitted.

5.40.110 Mobile Vending Within Town Right-of-Way

No vending shall be permitted within town right-of-way.

Section 2. This ordinance shall be in full force and effect from and after its approval, passage and adoption.

PASSED ON FIRST READING THIS _____ day of _____ 2022.

PASSED ON SECOND READING THIS _____ day of _____ 2022.

PASSED, APPROVED AND ADOPTED THIS _____ day of _____ 2022.

Town of Saratoga, Wyoming

Creed James, Mayor

ATTEST:

ATTESTATION

I, Marie Christian, the Town Clerk for the Town of Saratoga, Wyoming, do hereby certify that the above ordinance was duly and properly published or posted in the manner required by law.

Marie Christian, Town Clerk