

ORDINANCE NO. 1, SERIES 2025
TOWN OF KIOWA, COLORADO

**AN ORDINANCE OF THE TOWN OF KIOWA, COLORADO, AMENDING THE
TOWN OF KIOWA ZONING CODE, CHAPTER 16, ARTICLE IV, SUPPLEMENTAL
REGULATIONS, MOBILE FOOD TRUCKS AND PUSHCARTS AND PENALTIES AS
SET FORTH IN IN THE TOWN OF KIOWA, COLORADO**

WHEREAS, Colorado Revised Statutes (C.R.S.) 31-15-101, et seq., authorizes a municipality to enact regulations that promote the health, safety, and welfare, and improve order, comfort, and convenience of the municipality and inhabitants thereof; and

WHEREAS, C.R.S. 31-23-303 declares that such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town; and

WHEREAS, the Board of Trustees of the Town of Kiowa, Colorado found that such regulations promote the health, safety, morals, and general welfare of the community as stated herein; and

WHEREAS, the Board of Trustees and the Planning Commission of the Town of Kiowa, Colorado received public comments requesting some modifications, clarifications and revisions to Article IV, Supplemental Regulations for Mobile Food Trucks and Pushcarts and directed the Planning Commission of the Town of Kiowa make recommendations for these revisions; and

WHEREAS, the Planning Commission held several meetings commencing in October 2024 and has made recommendations that have been received by the Board of Trustees; and

WHEREAS, the Board of Trustees wishes to amend Article IV, Supplemental Regulations to reflect the needs of the community to provide for Mobile Food Trucks and Pushcarts in the Town of Kiowa, Colorado

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KIOWA, COLORADO THAT THE TOWN OF KIOWA, COLORADO CLARIFICATIONS TO ARTICLE VI, TABLE OF NON-RESIDENTIAL SHALL BE APPROVED AS FOLLOWS:

Chapter 16, Zoning

Article 1V, Supplemental Regulations:

MOBILE FOOD TRUCKS AND PUSHCARTS

For the purposes of this Article, the following terms shall have the meanings as indicated unless the context otherwise requires:

Mobile food truck means a retail food establishment other than a special event vendor, as defined and regulated pursuant to Article VII of this Chapter 6, that is not intended to be permanent and is a motorized wheeled vehicle or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages, operating in either a static or transitory location and serving the public at times pursuant to the provisions of this Article.

Pushcart means a retail food establishment other than a special event vendor, as defined and regulated pursuant to Article VII of this Chapter 6, that is not a motorized vehicle, limited to serving commissary prepared or prepacked food or that is commercially designed and approved to handle food preparation and service.

Sec. License required.

It shall be unlawful for any person to operate a mobile food truck or pushcart within the Town limits without first having obtained a Food Truck License and shall be punishable as set forth in Chapter 6, Business Licenses and Regulations.

Sec. Setback and parking requirements.

- (a) A mobile food truck or pushcart operator shall obtain written consent from any owner of private property on which the mobile food truck or pushcart intends to operate;
- (b) Unless a mobile food truck or pushcart operator receives prior written consent from a restaurant owner, a mobile food truck or pushcart shall operate 100 feet from a restaurant while the restaurant is open for business, as measured from the property line of the operating restaurant to the closest point of the mobile food truck or pushcart;
- (c) A mobile food truck or pushcart shall not occupy on-street parking spaces while operating the mobile food truck or pushcart;
- (d) A mobile food truck or pushcart shall be set back at least 20 feet from the front property line unless the building setback in a zone district is less than 20 feet, in which case the mobile food truck or pushcart shall comply with the front building setback in the underlying zone district;
- (e) A mobile food truck or pushcart shall comply with the side and rear building setback requirements in the underlying zone district;
- (f) A mobile food truck or pushcart operator shall obey all parking and traffic laws;
- (g) A mobile food truck or pushcart shall not park in any ADA-accessible parking spaces;
- (h) A mobile food truck or pushcart shall be parked and operated on paved or all-weather surfaces; and
- (i) A mobile food truck or pushcart that occupies parking spaces must ensure that the parking spaces that remain unobstructed accommodate parking for the principle use of the property pursuant to Section 16-6-10(b).

Additional operational standards.

- (a) A mobile food truck or pushcart operator must keep the sidewalks, roadways and other spaces adjacent to their business location clean and free of refuse of any kind generated from the operation of their business. Any trash container maintained by a mobile food truck or pushcart operator shall be removed by the operator at the close of business and in accordance with any and all State regulations and any applicable provisions of the Code;
- (b) Mobile food trucks or pushcarts are prohibited in single-family residential zoning districts, except in circumstances of block parties or special events wherein the operator of the mobile food truck or pushcart will seek and show written permission to park in front of specified residence by the homeowner hosting the block party or special event. When not in use, a maximum of one mobile food truck and pushcart may be stored on property used for single-family, duplex, or multi-family dwellings;
- (c) Mobile food trucks or pushcarts shall be prohibited within any public right-of-way;
- (d) Additional structures, canopies, tables, or chairs associated with the operation of a mobile food truck or pushcart are prohibited unless otherwise expressly permitted by the Town;
- (e) Signage shall be permanently affixed to the vehicle. During hours of operation, a mobile food truck or pushcart operator may affix one (1) menu or sandwich board; and
- (f) Prior to the operation of a mobile food truck or pushcart within a multi-tenant shopping center, the property owner shall provide written notice to the tenants of such shopping center.

Application required.

Every person seeking a Food Truck License shall first make an application therefore in writing in which he or she shall provide the following information:

- (a) The name and residence of the applicant;
- (b) Driver's license number of applicant;
- (c) Identify whether he or she transacts business as a principal or agent;
- (d) If as an agent, the name and address of his or her principal;
- (e) The kind and classes of food and beverage items he or she proposes to sell;
- (f) State sales tax number or certificate of sales tax exemption; and
- (g) A plot plan containing the following information:
 - (1) The proposed location of the mobile food truck or pushcart;
 - (2) The distance from the mobile food truck to any property lines and other structures on the site;
 - (3) Details concerning site access;
 - (4) Location, dimensions and use of any existing structures and property lines;
 - (5) Proposed parking areas to be used and the total number of available stalls;
 - (6) The location of any ADA-accessible parking spaces within a proposed parking area; and
 - (7) Any additional information deemed necessary by staff to review the application.

Issuance and term; fees.

- (a) Upon receipt of an application for a Food Truck License and of the license fee therefor, the Town Clerk shall issue to the applicant a Food Truck License, authorizing the applicant to engage in business as a mobile food truck or pushcart operator, which license will be signed by the Town Clerk and sealed with the Town Seal. No such license shall be transferable and shall be good for a period not to exceed thirty (30) days of issuance, subject to the Town's discretion.
- (b) The annual Food Truck License fees under this Article shall be set by separate resolution of the Board of Trustees.

CHAPTER 6**BUSINESS LICENSES AND REGULATIONS****Violations.**

It shall be unlawful for any person to operate a mobile food truck or pushcart within the Town limits without first having obtained a Food Truck License.

Every person who unlawfully engages in the business of a mobile food truck or pushcart operator within the Town in violation of the provisions of this Article, or without first obtaining a license, shall be subject to a punishment by a fine of not more than the amount set forth in Section 1-4-20 of this Code; and, in addition, such person may be denied a license upon application therefor within one (1) year of such offense.

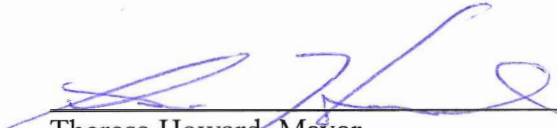
Carrying or exhibiting license.

No licensee shall fail to carry a license issued in accordance with the provisions of this Article upon his or her person at all times when engaged in the operation, conduct or carrying on of any retail trade, profession or business for which the license was granted. A Food Truck License shall be exhibited at all times in some conspicuous place in the place of business. Every licensee shall produce his or her license for examination when requested to do so by any Town police officer or by any person representing the Town.

Revocation.

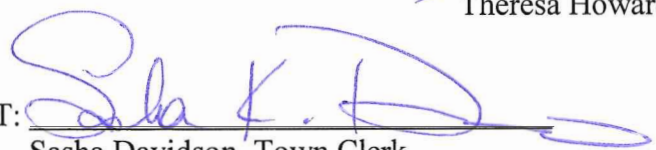
Upon conviction for any violation of this Article, the Town or authorized agent may revoke the license of any mobile food truck or pushcart operator.

INTRODUCED and READ this 11TH day of March 2025, PASSED and ORDERED
PUBLISHED.



Theresa Howard, Mayor

ATTEST:



Sasha Davidson, Town Clerk