



DENVER

THE MILE HIGH CITY

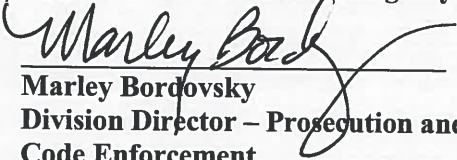
DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE
DEPARTMENT OF EXCISE AND LICENSES

EMERGENCY RULES GOVERNING MOBILE FOOD VENDORS

Effective Date

08/24/2022

Approved as to Form and Legality


Marley Bordovsky
Division Director – Prosecution and
Code Enforcement
City Attorney’s Office


Date: 8/24/2022

Approved and Adopted


Molly Duplachian
Executive Director
Excise and Licenses

Date: 8/24/22

Approved and Adopted


Adam Phipps
Executive Director
Transportation and Infrastructure

Date: 8/24/22

Table of Contents

Section 1 – Definitions	1
Section 2 – Authority and Purpose of Rules	2
Section 3 – Prohibited Areas of Operation; Exceptions	2
Section 4 – Permits and Operational Requirements	3
Section 5 – Enforcement; Future Permits	4
Section 6 – Duration of Emergency Rules	5

These provisions relate to mobile food vendor operations within the mobile food vendor restricted area within the attached “Mobile Food Vendor Map” and during the times identified in these rules. These rules do not govern general operations within the Central Business District and surrounding areas. All mobile food vendors shall comply with all existing laws and regulations related to their operations. These rules are in addition to such laws and regulations.

Section 1 – Definitions

“*Director*” means the Director of the Denver Department of Excise and Licenses.

“*DOTP*” means the Denver Department of Transportation and Infrastructure.

“*Food peddler*” means a mobile food vendor who is not operating from a mobile retail food establishment or a pushcart.

“*Manager*” means the Manager of the Denver Department of Transportation and Infrastructure.

“*Mobile food vendor*” means a person serving food, food products or beverages on a public street, alley, sidewalk, or other public right-of-way. The term includes, but is not limited to, a person serving or providing food from a mobile retail food establishment, a food peddler, or a person serving food from a pushcart.

“*Mobile Food Vendor Map*” means the attached map titled “Mobile Food Vendor Map”.

“*Mobile Food Vendor Restricted Area*” means the area so identified in the Mobile Food Vendor Map.

“*Mobile retail food establishment*” means a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

“*Pushcart*” means a nonself-propelled vehicle limited to serving commissary prepared or prepackaged food and nonpotentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service.

Section 2 – Authority and Purpose of Rules

- 2.1 **Authority:** Pursuant to the Denver Revised Municipal Code (the “D.R.M.C.”) section 32-31, the Director may enact rules and regulations necessary for administering and enforcing the provisions of Article I, Chapter 32 relating to and affecting the licensing of businesses and individuals that operate in the City. Additionally, these rules are adopted by the Manager under Part 3 of Article II of the Charter of the City and County of Denver. D.R.M.C. section 2-98 provides that adopting authorities may adopt emergency rules where such action is necessary to comply with state local or federal law or if it is deemed necessary by the adopting authority to protect immediately the public health, safety or welfare.
- 2.2 **Purpose:** The City has seen a significant increase in violence and crime in the Downtown Denver Area, including the Lower Downtown Area (“LODO”) and Denver Union Station (“DUS”). The purpose of these emergency rules is to regulate parking meter permits for mobile food vendors who serve food within the public right-of-way (“right-of-way” or “ROW”) and to place limitations on where mobile food vendors may operate. DOTI is charged with the control of public ways, thoroughfares and other public facilities (e.g. the public right-of-way) and seeks to manage mobile food vendor activities in the right-of-way to ensure public safety and fair and equitable use of the right of way. EXL is charged with ensuring that persons and businesses who have been issued business licenses are operating in safe and lawful manner. High levels of mobile food vendor activity in the right-of-way, sidewalks, and other public thoroughfares, particularly in the LODO and DUS areas during weekday evenings and on weekends and holidays, have contributed to public safety concerns, including but not limited to increased conflicts and inappropriate behavior by patrons of mobile food vendors (“recurring incidents”). These recurring incidents have created public safety concerns with business equity, meter accessibility, traffic code compliance, sight lines at intersections, noise ordinance, crowd control and impacts to the Denver Police Department (“DPD”), DOTI Right of Way Enforcement (“ROWE”), DOTI Permit Operations and DOTI Curbside & Parking. These emergency rules are necessary to address and mitigate these recurring incidents, and to allow consistent enforcement by DOTI, DPD and other authorized personnel as deemed necessary by the Director and the Manager. These rules are meant to increase the safety of all who visit and work in this area by requiring that mobile retail food establishments and similar businesses operate in different locations. These actions will help to facilitate individuals leaving the LODO and DUS areas after bars and nightclubs close and curb large gatherings of individuals, and reduce the opportunity for conflicts and violence that arise.

Section 3 – Prohibited Areas of Operation; Exceptions

- 3.1 **Mobile Retail Food Establishments:** Except as otherwise provided, mobile retail food establishments are prohibited from operating within any portion of the Mobile Food Vendor Restricted Area during the following hours:
1. Friday from 9:00 p.m. through Saturday at 5:00 a.m.
 2. Saturday from 9:00 p.m. through Sunday at 5:00 a.m.
 3. Sunday, September 4, 2022, from 9:00 p.m. through Monday, September 5, 2022 (Labor Day) at 5:00 a.m.

4. Sunday, January 1, 2023, from 9:00 p.m. through Monday, January 2, 2023 (New Year's Day) at 5:00 a.m.
5. Sunday, January 15, 2023, from 9:00 p.m. through Monday, January 16, 2023 (Martin Luther King Day) at 5:00 a.m.
6. Sunday, February 19, 2023, from 9:00 p.m. through Monday, February 20, 2023 (President's Day) at 5:00 a.m.

3.2 Food Peddlers and Pushcarts: Except as otherwise provided, food peddlers and pushcarts are prohibited from operating within any portion of the Mobile Food Vendor Restricted Area during the following hours:

1. Friday from 11:59 p.m. through Saturday at 5:00 a.m.
2. Saturday from 11:59 p.m. through Sunday at 5:00 a.m.
3. Sunday, September 4, 2022, from 11:59 p.m. through Monday, September 5, 2022 (Labor Day) at 5:00 a.m.
4. Sunday, January 1, 2023, from 11:59 p.m. through Monday, January 2, 2023 (New Year's Day) at 5:00 a.m.
5. Sunday, January 15, 2023, from 11:59 p.m. through Monday, January 16, 2023 (Martin Luther King Day) at 5:00 a.m.
6. Sunday, February 19, 2023, from 11:59 p.m. through Monday, February 20, 2023 (President's Day) at 5:00 a.m.

3.3 Duration of Operations—Food Peddlers and Pushcarts: Food peddlers and pushcarts shall vacate the Mobile Food Vendor Restricted Area by the times identified in Section 3.2 or be subject to penalties identified in Section 5.

3.4 Exceptions: These Rules shall not apply to licensed permanent and temporary retail food establishments operating from a location approved by the Director.

Section 4 – Permits and Operational Requirements

4.1 DOTI Permit: A mobile retail food establishment with a valid DOTI permit granted pursuant to these emergency rules may conduct its business or park on the right-of-way, in legal parking spaces in accordance with all applicable City regulations, except in locations prohibited or otherwise restricted by any law or regulation.

4.2 Mobile Food Vendor Limitation Area: Effective August 24, 2022, DOTI may grant up to three (3) permits to mobile retail food establishments to operate in the 2000 block of Market Street and up to four (4) permits to operate in the 1900 block of Blake Street (the "Mobile Food Vendor Limitation Area").

4.3 DOTI Application Requirement: Mobile retail food establishments seeking to conduct operations within the Mobile Food Vendor Limitation Area shall submit a complete application for a meter permit no earlier than fourteen (14) calendar days but no later than seventy-two (72) hours prior to the beginning date for the permit. The Manager or their appropriate designee, in their sole discretion, will determine whether an application is complete, and no application shall be deemed complete without the application permit fee being paid. In the interest of providing equal opportunity, a single mobile retail food

establishment shall not be issued permits to occupy multiple locations at the same time. Meter permits within the Mobile Food Vendor Limitation Area will be issued on a first-come, first-served basis.

- 4.4 **Prohibitions:** A mobile retail food establishment is prohibited from operating within the Mobile Food Vendor Restricted Area or Mobile Food Vendor Limitation Area without a DOTI permit during the times identified in Section 3.1. This prohibition applies even if the mobile retail food establishment has paid a parking meter, parks at a meter that does not require payment, a meter that is broken, or parks in a time-limited parking space.
- 4.5 **Retention of Permit and Exhibition to City Officials:** Any mobile retail food establishment conducting business activities within the Mobile Food Vendor Limitation Area during the times identified in Section 3.1 shall retain a copy of their valid meter permit issued by DOTI Permit Operations and exhibit the same upon request of any law enforcement officer of the city, license inspector or other city official.
- 4.6 **Duration of Operations:** Mobile retail food establishments may operate pursuant to a permit authorized by this section until 11:59 p.m. on the days in which the permit has been granted. Mobile retail food establishments shall vacate the Mobile Food Vendor Limitation Area by 11:59 p.m. or be subject to penalties identified in Section 5.
- 4.7 **Other Requirements:** Mobile retail food establishments are responsible for compliance with Denver's Food Truck Guide and any City code or rule requirements. Denver Food Truck Guide is attached, and incorporated herein by reference, and is available online at: <https://www.denvergov.org/content/dam/denvergov/Portals/747/documents/permits/food-truck-guide.pdf>.
- 4.8 **Modification of Rules:** The Manager, in their sole discretion, may modify the Mobile Food Vendor Limitation Area or Mobile Food Vendor Restricted Area and rule conditions in response to emergencies and unforeseen circumstances that may impact management of the right-of-way.

Section 5 – Enforcement; Future Permits

- 5.1 **Unlawful Acts:** It shall be unlawful for any person, to conduct mobile food vendor activities in the right-of-way within the municipal boundaries of the City and County of Denver in violation of these emergency rules.
- 5.2 **Penalties:** Any mobile food vendor found in violation of these emergency rules may be subject to enforcement actions, including but not limited to an order to vacate, administrative citations, licensing sanctions, and/or criminal citations.
- 5.3 **Effect on Future Permitting:** Any mobile retail food establishment conducting business activities within the Mobile Food Vendor Restricted Area, or the Mobile Food Vendor Limitation Area found in violation of these emergency rules, or any applicable ordinance of the City will be denied any further meter permit applications within the Mobile Food

Vendor Restricted Area and the Mobile Food Vendor Limitation Area. In order to regain eligibility for a meter permit within the Mobile Food Vendor Restricted Area and Mobile Food Vendor Limitation Area after being found in violation of these emergency rules, a mobile retail food establishment must pay any applicable/sustained penalties and meet with DOTI Permit Operations staff to ensure understanding of and compliance with the emergency rules and applicable ordinances.

Section 6 – Duration of Emergency Rules

6.1 Duration of Rules: Pursuant to D.R.M.C. section 2-98 these rules shall take effect on August 24, 2022. These emergency rules shall continue in effect for 180 days.

