

**CITY OF ENGLEWOOD**

**NOTICE OF APPROVAL  
OF A BILL FOR AN ORDINANCE**

On the 4th day of November 2024, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY  
COUNCIL BILL NO. 58  
INTRODUCED BY  
COUNCIL MEMBER SIERRA**

A BILL FOR AN ORDINANCE  
AMENDING ENGLEWOOD  
MUNICIPAL CODE REGARDING  
FOOD VENDOR LICENSE, TO  
REQUIRE LICENSE FOR ALL FOOD  
VENDORS, REDUCE INSURANCE  
REQUIREMENTS, AND WAIVE  
LICENSE FEE FOR VENDORS  
LICENSED BY ARAPAHOE COUNTY.

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.englewoodco.gov>, Government, Legal/Public Notices.

PUBLISHED: NOVEMBER 6, 2024  
Official Website of the City of  
Englewood, Colorado

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2024

COUNCIL BILL NO. 58  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

**A BILL FOR**

**AN ORDINANCE AMENDING ENGLEWOOD MUNICIPAL CODE REGARDING FOOD VENDOR LICENSE, TO REQUIRE LICENSE FOR ALL FOOD VENDORS, REDUCE INSURANCE REQUIREMENTS, AND WAIVE LICENSE FEE FOR VENDORS LICENSED BY ARAPAHOE COUNTY.**

**WHEREAS**, the Englewood Municipal Code (“EMC”) Title 5 Chapter 4 requires food vendors to obtain a City of Englewood license when selling food products within the City; and

**WHEREAS**, Arapahoe County, Colorado also licenses various mobile food vendors, including food trucks, to ensure food safety and compliance with Colorado law; and

**WHEREAS**, in order to ensure food safety and encourage business within the City, Englewood Municipal Code requires amendment below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:**

**Section 1. Amendment of EMC Title 5, Chapter 4**

Englewood Municipal Code shall be revised to read as follows (deleted provisions struck through; new provision underlined):

**Chapter 4 FOOD VENDORS~~DEALERS~~**

**5-4-1: Definitions.**

In addition to the definitions listed in E.M.C. Section 5-1-1, and for the purpose of this Code in all matters relating to the licensing of food vendors, the following terms, phrases, words, and the derivations shall have the meanings herein:

*Food Products:* Food products prepared and processed for immediate consumption. Food products shall not apply to grocery stores and similar establishments where food is not prepared or sold routinely for immediate consumption.

*Food Vendor:* A licensed vendor of food products.

*Ice Cream Sales:* The sale of ice, ices, ice cream, frozen custard, ice milk, frozen yogurt, and sherbet, prepared, processed and sold for immediate consumption.

*Park:* Park means any property dedicated for such purpose and shall also include the walkways and fountain area of the Englewood Plaza and walkways and bike paths of Little Dry Creek Floodplain and sidewalks adjacent to parks. The South Suburban Recreational District parks located in the municipal boundaries of Englewood shall be considered a park.

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~~*Sidewalk or Sidewalk Area:* That portion of a publicly maintained or declared to be a public street or highway by any law of this State or any Englewood ordinance between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for use by pedestrians.~~

~~*Street:* The entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public street or highway by any law of this State or any ordinance of this City.~~

~~*Vehicle:* Every device in, upon or by which any person or property is or may be transported or drawn, irrespective of the source from which the power to propel said vehicle may come and irrespective of the number of wheels of said vehicle.~~

#### **5-4-2: Food Vendor License Required.**

A. ~~It shall be unlawful for a food vendor to engage in the business of selling, taking orders, or offering to sell or take orders from or upon public property, parks, or the public right-of-way, or to a person on public property, parks, or the public right-of-way for food products prepared and processed for immediate consumption in the City of Englewood selling, offering for sale, peddling or distributing food or ice cream products from vehicles or stands on any street, sidewalk, alley, or other public place including parks, without a valid prior to obtaining a City food vendor license.~~

B. Requirements of License.

1. Applications for a City food vendor license shall include, if applicable:

#### **5-4-3: Application for License.**

A. ~~The application for a Food Vendor License shall be made in accordance with the provisions of Title 5, Chapter 1.~~

B. ~~In addition, the applicant shall be required to provide the following:~~

- ~~a. Written approval for use of site and site map, unless a City-organized event or on public property where the use is allowed without express permission, if applicable.~~
- ~~b. Applicable Health Department Tri-County health approval; and, Tri-County health approval; and, if applicable.~~
- ~~c. Sales tax deposit for all licensees who do not hold a A current City sales and use tax license, unless otherwise exempt by applicable law.~~

#### **5-4-4: Special Conditions and Restrictions of License.**

~~In addition to licensing conditions set forth in Chapter 1 of this Title, the following special provisions shall apply:~~

- ~~A2. Insurance Required: License holders ~~are required to~~ must maintain the following levels of insurance, and produce proof of insurance upon request by the City:~~
  - ~~a.1. All motor vehicles used in the operation of the licensed business shall be insured under the laws of the State of Colorado.~~

- b2. Comprehensive general liability insurance with a minimum combined single limit of liability for bodily injury and property damage of five hundred thousand one million dollars (\$500,000~~1,000,000.00~~) per occurrence and in the aggregate.

~~Failure to maintain such insurance or to show such evidence on request shall be cause for immediate revocation of the license.~~

~~3B. *Audible Advertising Ice Cream Sales:* Ice cream vendors using vehicles on city streets must obtain a Food Vendor License and shall comply with the following additional requirements:~~

- ~~1. Hours of operation are permitted between nine o'clock (9:00) a.m. and sunset.~~
- ~~2. Any audible advertising such as music, chimes, verbal announcements or other sound from vehicles on City streets must be turned off while the vehicle is at rest, and may only be operated between the hours of nine o'clock (9:00) a.m. and sunset.~~

~~4C. *Health and Safety Codes:* License holders must are required to operate in accordance comply with all City fire and safety regulations, and applicable municipal and State Health Regulations as administered by the State of Colorado, Arapahoe County, Colorado, or other applicable state-regulated ~~Tri-County Health~~ health department ~~Department~~. License holders must maintain proof of passing a current fire inspection from City of Englewood, City and County of Denver, or appropriate authority of a participating community in the Fire Marshal Association of Colorado (FMAC).~~

~~5D. *Location:* License holders may vend only in those areas specifically set forth in the license.~~

C. Exemptions. The following shall not require a City food vendor license:

1. Grocery and similar retail stores where food is not prepared or sold routinely for immediate consumption; and
2. Regularly-established permanent business locations for preparation and consumption of food products, such as restaurants.

D. The City shall waive the food vendor license fee for complete applications accompanied by the applicant's valid food retail license authorizing them to operate within Arapahoe County.

## **Section 2. General Provisions**

The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

A. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

B. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

C. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

D. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be by reference or in full in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method. Manuals, Municipal Code, contracts, and other documents approved by reference in any Council Bill may be published by reference or in full on the City's official website; such documents shall be available at the City Clerk's office and in the City Council meeting agenda packet when the legislation was adopted.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance.

G. Enforcement. To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.