

Sidewalk Vendors Business Regulation Chapter 8, Article 2

CITY OF GUNNISON DEVELOPMENT ASSISTANCE PACKET

This Development Assistance Packet has been prepared for your convenience and assistance in processing land use applications in the City of Gunnison. You should note that this Development Assistance Packet contains excerpts from the City of Gunnison Land Development Code. Please be advised that the City of Gunnison Land Development Code is amended from time to time and such amendments may not be included within the Development Assistance Packet. It is your responsibility to review the entire City of Gunnison Land Development Code and all amendments thereto, which are maintained in the office of the City Clerk, to determine if you have all of the current ordinances related to the City of Gunnison Land Development Code and what effect, if any, the City of Gunnison Land Development Code has on your property, project, or application.

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July 2011

Chapter 8.20

SIDEWALK VENDORS

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8.20.010 Short title.

This chapter shall be known and cited as the “sidewalk vendors ordinance of 1988.” (Code 1997 § 8-2-1).

8.20.020 Findings and purpose.

It is found and declared that:

- A. The primary purpose of the public sidewalks is for use by pedestrian traffic.
- B. Regulated vending on the public sidewalks promotes the public interest by contributing to an active pedestrian environment.
- C. Reasonable regulation of sidewalk vending is necessary to protect the public health, safety, and welfare.
- D. The regulations contained in this chapter do not prohibit pure speech by religious organizations which are commercial in nature. (Code 1997 § 8-2-2).

8.20.030 Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. “Stand” means any table, showcase, bench, or rack used for displaying, storing, or transporting of articles offered for sale by a vendor.
- B. “Vendor” means any person engaged in the selling, or offering for sale, food, beverages, or merchandise on the public sidewalks from a stand or from his person. (Code 1997 § 8-2-3).

8.20.040 Vending prohibited in certain locations.

Vending on the sidewalks is prohibited, with the exception that it is permitted within the Central Business district and Commercial zones, as defined in GMC Title 15, subject to the restrictions contained in this chapter. (Code 1997 § 8-2-4).

8.20.050 Prohibited conduct.

No vendor shall:

- A. Vend on any sidewalk where vending is otherwise prohibited.
- B. Leave any stand unattended.

- C. Store, park, or leave any stand overnight on any sidewalk, or park any motor vehicle other than in a lawful parking place, in conformance with city and state parking regulations.
- D. Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patrons' use.
- E. Leave any location without first picking up, removing, and disposing of all trash or refuse remaining from sales made by him.
- F. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand.
- G. Solicit or conduct business with persons in motor vehicles.
- H. Vend without insurance coverage as specified herein: an insurance policy, issued by an insurance company permitted to do business in the state, protecting the vendor and the city from all claims for damages to property and bodily injury, including death, which may arise from the use of the sidewalk. Such insurance shall name as additional insured the city and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without 30 days' advance written notice to the city.
- I. No vendor selling from a stand on the sidewalk shall:
 - 1. Vend at any location where the sidewalk is under 10 feet in width.
 - 2. Vend from or place a stand in a position other than immediately adjacent to the vendor's building.
 - 3. Place a stand in such a manner so as to constitute or create a dangerous condition, taking into consideration the grade, width, corner, traffic, and use of the sidewalk and all other attendant circumstances.
 - 4. Place a stand in such a manner as to impede emergency egress and ingress of a building or next to the curb or crosswalk at any intersection. (Code 1997 § 8-2-5).

8.20.060 Size requirements for vending stands.

No stand shall exceed four feet in width and six feet in length and seven feet in height and no stand shall overlap onto the adjacent owner's property from the vendor's premises. (Code 1997 § 8-2-6).

8.20.070 Advertising.

No advertising, except in the posting of prices, shall be permitted on any stand except to identify the name of the product or the name of the vendor in accordance with the city sign code. (Code 1997 § 8-2-7).

8.20.080 Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed 90 days, or by both fine and imprisonment. (Ord. 19-1997 § 7; Code 1997 § 8-2-8).

8.20.090 Separability – Repealer – Effective date.

- A. If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.
- B. This chapter shall supersede any other ordinance in conflict herewith.
- C. This chapter shall be in full force and effect from and after its passage. (Code 1997 § 8-2-9).