

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2015-13

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4  
5 AN ORDINANCE

6 RELATING TO THE ESTABLISHMENT OF A VEHICLE VENDOR ORDINANCE;  
7 AMENDING SUBSECTION 18-1.2 TO AMEND THE DEFINITIONS OF “ITINERANT  
8 FOOD VENDOR” AND “ITINERANT VENDOR”; AMENDING THE TITLE OF SECTION  
9 18-8; REPEALING SUBSECTION 18-8.9 “STREET VENDORS; PERMIT  
10 REQUIREMENTS” AND CREATING A NEW SUBSECTION 18-8.9 ENTITLED “VEHICLE  
11 VENDORS”; AMENDING SUBSECTION 18-8.10 TO ESTABLISH SPECIAL EVENT  
12 VENDOR FEES AND VEHICLE VENDOR FEES; AMENDING SUBSECTION 23-5.2  
13 RELATED TO SPECIAL EVENT SPONSOR LICENSES; AND MAKING SUCH OTHER  
14 CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS  
15 ORDINANCE.

16  
17 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

18 Section 1. Subsection 18-1.2 SFCC 1987 (being Ord. #1981-64, §2, as amended) is  
19 amended to amend the following definitions:

20 *Special event vendor* means any person who offers for sale food, beverages, merchandise, or  
21 services, at one or more special events in the city with the permission of a special event sponsor

22 *Itinerant vendor* means any person that does not have an established business location within  
23 the city who brings into the city and offers for sale food, beverages, merchandise, or services on the  
24 appropriately zoned private property of another person.

25 **Editor’s Note: Re-alphabetize definitions.**

1           **Section 2.       Section 18-8 SFCC 1987 (being Ord. #2009-49, §2) is amended to read:**

2 **18-8   PUSHCARTS ON PRIVATE PROPERTY; VEHICLE VENDORS.**

3           **Section 3.       Subsection 18-8.9 SFCC 1987 (being Ord. No. 1981-39, §8) is repealed**  
4 **and a new Subsection 18-8.9 SFCC 1987 is ordained to read:**

5           **18-8.9   Vehicle Vendors.**

6           A.       *Short Title.* This Subsection 18-8.9 may be cited as the "Vehicle Vendor Ordinance".

7           B.       *Definitions.* As used in this Subsection 18-8.9:

8                   *Mobile vehicle vendor* means a vehicle vendor that parks at one or more locations  
9 within a twenty-four (24) hour period, at each location for a period of three (3) hours or less,  
10 or for any period of time during a special event permitted by the city or otherwise authorized  
11 by a resolution of the governing body, subject to and in conformance with the provisions of  
12 Subsections 18-8.9C. and D.

13                   *Motorized vehicle* means a licensed and insured motor vehicle as defined by the state  
14 of New Mexico motor vehicle division that meets all requirements of the same for operation  
15 on public streets and is operated by a licensed driver.

16                   *Special event* means an event that is permitted by the city pursuant to Subsection 18-  
17 8.9 SFCC 1987, Section 23-4 SFCC 1987, Subsection 23-5.2 SFCC 1987 or by resolution of  
18 the governing body.

19                   *Stationary vehicle vendor* means a vehicle vendor that parks at a location for a period  
20 of more than three (3) hours within a twenty-four (24) hour period subject to and in  
21 conformance with the provisions of Subsection 18-8.9C. and E.

22                   *Travel trailer* means a licensed and insured travel trailer as defined by the state of  
23 New Mexico motor vehicle division that meets all requirements of the same for operation on  
24 public streets and is operated by a licensed driver.

25                   *Utility trailer* means a licensed and insured utility trailer as defined by the state of

1 New Mexico motor vehicle division that meets all requirements of the same for operation on  
2 public streets and is operated by a licensed driver.

3 *Vehicle vendor* means a person who offers for sale food, beverages, merchandise, or  
4 services from a motorized vehicle, from a utility trailer or travel trailer pulled by a motorized  
5 vehicle, or from a peddle-operated vehicle.

6 C. *Vehicle Vendors* – General Requirements.

7 (1) In addition to the vendors permitted by the Plaza Pushcart Ordinance and the  
8 Santa Fe Plaza Park Artist/Artisan Program Ordinance, vehicle vendor permits may be  
9 approved by the city manager or his designee pursuant to the requirements of Section 23-4  
10 SFCC 1987 and this Subsection 18-8.9 SFCC 1987.

11 (2) Vehicle vendors shall license or register their businesses with the city  
12 pursuant to the requirements of Section 18-1 SFCC 1987 or 18-2 SFCC 1987, as applicable.

13 (3) Each business license or registration application for a vehicle vendor shall  
14 state the make, model and license plate number of each vehicle to be used for vending. Only  
15 those vehicles listed on the application shall be used for vending.

16 (4) Each vehicle used for vending shall be individually permitted and shall  
17 clearly display the corresponding vehicle vendor permit on the outside of the vehicle at all  
18 times.

19 (5) A vehicle vendor intending to sell food or beverages shall furnish the city  
20 with a valid food establishment permit issued by the state of New Mexico environment  
21 department. The food establishment permit shall be clearly displayed on the outside of the  
22 vehicle at all times.

23 (6) An annual vehicle vendor fee shall be paid to the city for each vehicle used  
24 for vehicle vending pursuant to Subsection 18-8.10A. SFCC 1987.

25 (7) Vehicle vendors are not permitted in the Plaza, Plaza Park or the Plaza

1 periphery area as defined by Section 23-5 SFCC 1987 unless authorized by resolution of the  
2 governing body.

3 (8) Use of loudspeakers or amplification of sound by vehicle vendors is  
4 prohibited.

5 (9) Vehicle vendors shall at all times keep the area immediately surrounding the  
6 outside of their vehicle free of litter and refuse that originates from vending operations and  
7 shall remove litter and refuse that originates from vending operations for proper disposal  
8 offsite of the vending location.

9 (10) If after fifteen (15) days written notice from the city to a vehicle vendor of  
10 violations of the Santa Fe Municipal Code or state law and the violations are not corrected,  
11 then the related vehicle vendor permit(s) shall be revoked by the city manager and the vehicle  
12 vendor shall be subject to penalties pursuant to Section 1-3 SFCC 1987. The vehicle vendor  
13 may appeal the decision of the city manager to revoke a vehicle vendor permit to the  
14 governing body within fifteen (15) days of the revocation.

15 D. Mobile Vehicle Vendors - Additional Requirements. In addition to the general  
16 requirements of this Subsection 18-8.9 SFCC 1987, mobile vehicle vendors are subject to the  
17 following requirements:

18 (1) Mobile vehicle vendors are permitted to vend only on public streets or in  
19 public parking lots, or on private streets or in private parking lots with the written permission  
20 of the property owner;

21 (2) Mobile vehicle vendors shall not vend within or adjacent to the boundaries of  
22 city parks during events scheduled by the city unless authorized by the city manager;

23 (3) Mobile vehicle vendors are prohibited from parking for more than three (3)  
24 hours per day at any location or within a three hundred (300) foot radius of any location at  
25 which they have previously parked during the same day unless the mobile vehicle vendor is

1 participating in a special event permitted by the city and has obtained the written permission  
2 of the special event sponsor;

3 (4) Mobile vehicle vendors parked at a metered parking space in any one (1)  
4 hour or two (2) parking meter zones, and that pay the meter, may remain at the metered space  
5 for up to three (3) hours without violating the posted meter time zone restrictions;

6 (5) Mobile vehicle vendors that sell food or beverages are prohibited from  
7 parking within a one hundred fifty (150) foot radius of the street-level entrance of any  
8 restaurant during the restaurant's hours of operation unless the mobile vehicle vendor has  
9 obtained the written permission of the restaurant owner, or is participating in a special event  
10 permitted by the city and has obtained the written permission of the special event sponsor, or  
11 is authorized by resolution of the governing body;

12 (6) Use of parking spaces on public streets and public parking lots by mobile  
13 vehicle vendors shall be on a first-come-first-served basis. Mobile vehicle vendors shall not  
14 reserve parking spaces by the placement of obstructions intended to block parking areas or by  
15 engaging other parties to park and hold parking areas for their use;

16 (7) Mobile vehicle vendors parked on public streets or in public parking lots  
17 shall park only in single, legal parking spaces designated for parallel parking;

18 (8) Mobile vehicle vendors shall pay all parking fees associated with the  
19 locations at which they are parked.

20 (9) The city may temporarily or permanently prohibit the use of all or a portion  
21 of any public or private parking area by mobile vehicle vendors if the use of the area  
22 adversely affects public safety or the operation of the parking area;

23 (10) The customer service window of a mobile vehicle vendor parked on a public  
24 or private street shall face the adjacent sidewalk or edge of roadway;

25 (11) All vending from mobile vehicle vendors shall take place from the vehicle

1           itself. Generators, electrical wiring, menu boards, tables, chairs, tents or other furniture or  
2           items associated with the mobile vehicle vendor shall not be placed outside of the vehicle.

3           E.       Stationary Vehicle Vendors - Additional Requirements. In addition to the general  
4 requirements of this Subsection 18-8.9, stationary vehicle vendors are subject to the following  
5 requirements:

6                   (1)       Stationary vehicle vendors shall be located only in zoning districts where the  
7 type of vending proposed is a permitted use pursuant to Article 14-6 of the city of Santa Fe  
8 Land Development Code;

9                   (2)       Stationary vehicle vendors shall be located only on private property and only  
10 with the written permission of the property owner;

11                  (3)       A stationary vehicle vendor permit shall allow vending at a single location  
12 and for the hours of operation and duration of operation approved by the city.

13           **Section 4.       Subsection 18-8.10SFCC 1987 (being Ord. No. 1981-64, §3, as amended)**  
14 **is amended to read:**

15           18-8.10       Business License - Fees.

16           A.       Pursuant to Section 3-38-1 through 3-38-6 NMSA 1978, it is hereby declared by the  
17 governing body of the city of Santa Fe, that in order to protect the public health, general welfare and  
18 morals of the citizens of the city of Santa Fe, and for purposes of business regulation in the public  
19 interest, a business license fee shall be assessed as follows:

20                   (1)       Adult bookstores, as defined in Section 14-12 SFCC 1987, fifty dollars  
21 (\$50.00) per year, for each place of business;

22                   (2)       Adult motion picture theaters, as defined in Section 14-12 SFCC 1987, fifty  
23 dollars (\$50.00) per calendar year, for each place of business;

24                   (3)       Alarm installation companies and alarm monitoring companies, seventy-five  
25 dollars (\$75.00) per calendar year, for each place of business.

- 1 (4) Antique dealers, ten dollars (\$10.00) per year, for each place of business;
- 2 (5) Artist/artisan, ten dollars (\$10.00) per calendar year;
- 3 (6) Auctions, one hundred dollars (\$100.) per day;
- 4 (7) Carnivals, under the conditions prescribed in Section 18-7 SFCC 1987, one  
5 hundred fifty dollars (\$150.) per day;
- 6 (8) Circuses, under the conditions prescribed in Section 18-7 SFCC 1987, one  
7 hundred fifty dollars (\$150.) per day;
- 8 (9) Core recyclers, as defined in subsection 18-4.1 SFCC 1987, fifty dollars  
9 (\$50.00) per calendar year for each place of business.
- 10 (10) Special event vendors, as defined in subsection 18-1.2, ten dollars (\$10.00)  
11 for each vendor per calendar year. Special event vendors intending to sell food or beverages  
12 shall meet any applicable federal, state, and city requirements, and shall furnish the city with  
13 a copy of a valid food establishment permit issued by the state of New Mexico environment  
14 department;
- 15 (11) Itinerant vendors, ten dollars (\$10.00) per calendar year, per location;
- 16 (12) Jewelry auctions as defined by subsections 18-5.4 through 18-5.23 SFCC  
17 1987, one hundred dollars (\$100.) per day. These auctions shall be licensed per the provisions  
18 of subsections 18-5.4 through 18-5.23 SFCC 1987 and the provisions of this section shall not  
19 apply if they conflict with Section 18-5 SFCC 1987;
- 20 (13) Junk dealers as defined in subsection 18-4.1 SFCC 1987, fifty dollars  
21 (\$50.00) per year, for each place of business;
- 22 (14) Massage parlors, fifty dollars (\$50.00) per year, for each place of business;
- 23 (15) Mobile home parks, as defined by Section 14-12 SFCC 1987, two dollars  
24 (\$2.00) per space, with a minimum charge of fifty dollars (\$50.00) per park;
- 25 (16) Pawnbrokers, as defined in subsection 18-4.1 SFCC 1987, under the

1 conditions prescribed by Section 18-4 SFCC 1987, two hundred fifty dollars (\$250.) per year,  
2 for each place of business;

3 (17) Precious metal dealers, as defined in subsection 18-4.1 SFCC 1987, fifty  
4 dollars (\$50.00) per year, for each place of business;

5 (18) Private day-care nurseries, facilities and kindergartens, under the conditions  
6 prescribed in Section 14-6.2(B)(4) SFCC 1987, ten dollars (\$10.00) per year, for each place  
7 of business;

8 (19) Private detectives or private detective agencies, as defined in subsection 20-  
9 24.1 SFCC 1987, and under the conditions prescribed by Section 20-24 SFCC 1987, fifty  
10 dollars (\$50.00) per year, for each place of business;

11 (20) Sales of goods brought into the city temporarily by itinerant vendors, as  
12 described in Section 18-3 SFCC 1987, under the conditions prescribed in subsections 18-3.1  
13 through 18-3.3 SFCC 1987, two hundred dollars (\$200.) per occurrence;

14 (21) Secondhand dealers, as defined in subsection 18-4.1 SFCC 1987, under the  
15 conditions prescribed by Section 18-4 SFCC 1987, fifty dollars (\$50.00) per year, for each  
16 place of business;

17 (22) Special policemen or special police agencies as defined in subsection 20-24.1  
18 SFCC 1987, under the conditions prescribed in Section 20-24 SFCC 1987, fifty dollars  
19 (\$50.00) per year. Those special police exempted under subsection 20-24.4 SFCC 1987 shall  
20 not be required to obtain a business license;

21 (23) Septic tank cleaners or septage haulers, under the conditions prescribed in  
22 Section 22-4 SFCC 1987, fifty dollars (\$50.00) per year, for each place of business.

23 (24) Street performers, as defined in subsection 23-8.3 SFCC 1987, thirty-five  
24 dollars (\$35.00) per year, unless a street performer will perform for no more than one thirty  
25 (30) day period per year, ten dollars (\$10.00).



1 (25) Taxicab service, as defined in subsection 18-6.4 SFCC 1987, two hundred  
2 fifty dollars (\$250.) per year for each place of business.

3 (26) Transient precious metals dealer, as defined in subsection 18-4.1 SFCC 1987,  
4 one hundred dollars (\$100.) per separate event and location as described in the license  
5 application.

6 (27) Vehicle vendors, as defined in Subsection 18-8.9 SFCC 1987, one hundred  
7 dollars (\$100) per vehicle per calendar year. The annual vehicle vendor fee shall include any  
8 applicable annual fire inspection fees required pursuant to Subsection 12-2.2 SFCC 1987.

9 B. Before a license is granted, the following businesses shall execute and deliver a bond  
10 to the city clerk to be approved by the clerk and the city attorney with a corporate surety authorized  
11 by the laws of the state to write surety bonds and conditioned for the lawful conduct of the businesses  
12 and for the true and faithful observance of applicable provisions of the SFCC 1987; such bond shall  
13 be for the benefit of the city and every person damaged by breach of any condition thereof;

14 (1) Pawnbrokers, in the amount of five thousand dollars (\$5,000.); and

15 (2) Jewelry auctions, as defined in subsections 18-5.4 through 18-5.23 SFCC  
16 1987, in the amount of five thousand dollars (\$5,000.), as set forth in subsection 18-5.15  
17 SFCC 1987.

18 C. It is unlawful for any person to engage in the businesses, professions or trades  
19 defined in this section as requiring a license, within the corporate limits of the city, without first  
20 obtaining a license as prescribed by this section and pursuant to Section 3-38-1 NMSA 1978.

21 D. The license fees established in this subsection are hereby declared to have been  
22 reviewed on a case-by-case basis by the governing body of the city of Santa Fe and are hereby found  
23 to bear a reasonable relationship to the costs of regulations of each business by the city of Santa Fe.

24 E. Prior to engaging in any business to which this section applies, there shall be paid to  
25 the city of Santa Fe the applicable license fee and in the event the fee is paid after the beginning of the

1 | calendar year, it shall not be prorated.

2 |       F.       Any person filing an application for issuance or renewal of any business license shall  
3 | include on the application his current revenue division taxpayer identification number or evidence of  
4 | application for a current revenue division taxpayer identification number. No license shall be issued  
5 | unless such number or application has been furnished.

6 |       **Section 5.       Subsection 23-5.1 SFCC 1987 (being Ord. #1981-39, §15, as amended)**  
7 | **is amended to create the following definition:**

8 |       II.       *Special event means* an event that is permitted by the city pursuant to Subsection  
9 | 18-8.9 SFCC 1987, Section 23-4 SFCC 1987, Subsection 23-5.2 SFCC 1987 or resolution of the  
10 | governing body.

11 |       **Section 6.       Subsection 23-5.2SFCC 1987 (being Ord. No. 1981-39, §16, as amended)**  
12 | **is amended to read:**

13 |               **23-5.2 Plaza Uses; Events; Allowed Uses.**

14 |       A.       No more than eight (8) permits per calendar year shall be issued by the city for major  
15 | commercial events held in the Plaza. The events permitted are as follows:

- 16 |               (1)       Challenge New Mexico Arts and Crafts Show;
- 17 |               (2)       Fourth of July Pancake Breakfast;
- 18 |               (3)       Spanish Market;
- 19 |               (4)       Contemporary Hispanic Market;
- 20 |               (5)       Santa Fe Girls' Inc. Arts and Crafts Show;
- 21 |               (6)       Indian Market;
- 22 |               (7)       Santa Fe Fiesta Labor Day Arts and Crafts Market; and
- 23 |               (8)       Santa Fe Fiesta.

24 |       B.       Each of the major commercial events noted in paragraph A. above shall continue  
25 | their assigned locations, and the Contemporary Hispanic Market shall be allocated the space along

1 Lincoln Avenue between Palace Avenue and Federal Place.

2 (1) In order to accommodate the Spanish Market's growth requirements, this  
3 subsection will allow the Spanish Colonial Arts Society use of East San Francisco Street from  
4 Don Gasper to Cathedral Place and Palace Avenue from Grant Avenue to Cathedral Place.  
5 The Spanish Market will also extend thirty-three feet, six inches (33' 6") onto the east side of  
6 Lincoln Avenue. This will allow the Spanish Colonial Arts Society the similar configuration  
7 as the Southwest Indian Arts' annual Indian Market.

8 (2) This subsection will allow the Contemporary Hispanic Market use of Lincoln  
9 Avenue from Palace Avenue intersection starting at thirty-three feet six inches (33' 6") on the  
10 east side and twenty feet (20') from the fire hydrant on the west side all the way to Federal  
11 Place. This will allow the Contemporary Hispanic Market the ability to provide for their  
12 immediate and future growth needs. Depending upon the number of booths, as an alternative  
13 to using Lincoln Avenue between Marcy Street and Federal Place, the city may require  
14 booths to be located on Marcy Street between Lincoln Avenue and Sheridan Street.

15 C. Each of the major commercial events noted in paragraph A. above shall submit a  
16 preliminary site plan for their event to city staff for their review and approval no less than three (3)  
17 months prior to the event. Adequate access for public health, safety and welfare shall be maintained.  
18 Access to existing businesses shall be considered. The city may require specific booth layouts. The  
19 city shall provide written comments to the event sponsor on the preliminary site plan within thirty  
20 (30) days of receipt of the plan. A final site plan shall be submitted to city staff no less than one (1)  
21 month prior to the event for their review and approval. City staff shall conduct inspections at the time  
22 of event setup.

23 D. Community Days Festival may occur on the Plaza the Friday, Saturday and Sunday  
24 preceding the Memorial Day Weekend.

25 E. No other event shall occur on the Plaza unless it qualifies as a noncommercial use.

1 Sponsoring organizations shall comply with the fees as authorized in subsection 23-4.7 SFCC 1987  
2 and established by resolution, unless the event is sponsored by the city.

3 F. Except for the authority to issue Plaza Park artist/artisan licenses for sales activity on  
4 the Plaza Park pursuant to subsection 23-5.3 SFCC 1987, a permit or authority to use the Plaza Park  
5 shall be granted only to a nonprofit organization and not an organization for profit or an individual.

6 G. The governing body shall, by resolution, authorize either a committee or city staff to  
7 receive, review and approve or deny requests for any function of a commercial or noncommercial use  
8 on the Plaza or Plaza Park.

9 H. Applicants for use of the Plaza or Plaza Park shall follow and be subject to the  
10 procedures, requirements and restrictions adopted by the governing body.

11 I. Any decision by the city manager or the city manager's designee may be appealed to  
12 the governing body within thirty (30) days of the decision. This provision does not apply to Plaza  
13 Park artist/artisan licenses that shall comply with Section 23-5.3 SFCC 1987.

14 J. The city shall appoint a staff liaison for all major commercial events or  
15 noncommercial uses on the Plaza to oversee the administration of city regulations as they apply to  
16 each event.

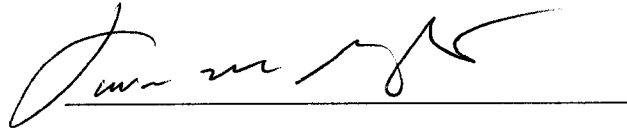
17 K. Fees for the major commercial events shall be established by the governing body by  
18 adoption of a resolution. Fees shall not be waived.

19 L. Sponsors of special events shall be responsible for insuring that all participants in  
20 their event have special event vendor licenses. Special event sponsor license applications and special  
21 event vendor license applications shall include a statement signed by the applicant that the applicant  
22 agrees to file and pay applicable gross receipts taxes on receipts from the special event. Sponsors  
23 shall file with the city the informational material they distribute to the vendors regarding the vendor's  
24 responsibility to file and pay gross receipts taxes on their sales at the special event.

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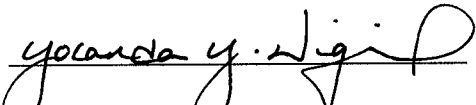
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PASSED, APPROVED and ADOPTED this 13<sup>th</sup> day of May, 2015.

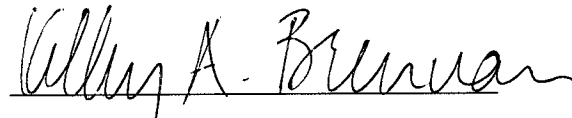


JAVIER M. GONZALES, MAYOR

ATTEST:

  
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

  
KELLEY A. BRENNAN, CITY ATTORNEY