

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2016-32

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4
5 AN ORDINANCE

6 RELATING TO SECTION 23-5 REGULATIONS FOR THE USE OF THE PLAZA AND
7 PLAZA PARK AND TO SECTION 18-8.9 VEHICLE VENDORS; AMENDING
8 SUBSECTION 23-5.1 TO ADD A DEFINITION OF "CANYON ROAD PERIPHERY AREA";
9 AMENDING SUBSECTION 18-8.9 TO CLARIFY THE DEFINITION OF VEHICLE
10 VENDORS TO EXCLUDE TRANSPORTATION SERVICES AND TO CLARIFY THE
11 CUSTOMER ENTRY LOCATION ON VEHICLES USED FOR VENDING; AND MAKING
12 SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF
13 THIS ORDINANCE.

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

16 Section 1. Subsection 23-5.1 SFCC 1987 (being Ord. #1990-6, as amended) is
17 amended to read:

18 **23-5.1 Definitions.**

19 As used in this chapter:

20 A. *Artist/artisan* means a person who designs and creates arts or crafts.

21 B. *Artwork* means an object for sale by an artist/artisan.

22 C. *Bicycle* means a vehicle with two (2) wheels tandem, a steering handle, a saddle seat,
23 and pedals by which it is propelled.

24 D. *Canyon Road Periphery Area* means an area bounded by Paseo de Peralta on the
25 west, the southern right-of-way line of East Alameda Street on the north, East Palace Avenue and

1 Camino del Monte Sol on the east, and Canyon Road and Acequia Madre Street on the south. This
2 area includes both sides of the boundary streets, except along the southern right-of-way line of East
3 Alameda Street.

4 E. *Collective* means a nonprofit organization that shares the use of the license among
5 three (3) to seven (7) nonrelated artists/artisans.

6 F. *Collective license* means a Plaza Park artist/artisan license issued to a collective.

7 G. *Commercial use* means any function or event at which goods, artwork, foodstuffs,
8 merchandise of any kind are offered for sale.

9 H. *Community Days Festival* means a city sponsored event promoting the programs and
10 services offered by local nonprofit organizations, performances by multicultural, youth, and school
11 groups and celebrating the diversity of Santa Fe.

12 I. *Findings* mean mechanical fittings in a great variety, either commercially available or
13 handmade, used to hold jewelry to the clothing or the person, i.e., ear wires, screw backs, broach pins,
14 chains, gallery bezel wire or hollow beads.

15 J. *Handmade* means the design and creation of the artwork from raw materials and its
16 finishing and decoration were accomplished by hand labor and by manually controlled methods that
17 permit the maker to control and vary the construction shape, design and/or finish of each individual
18 piece, but does not exclude the use of findings, hand tools and equipment nor does it exclude the hand
19 assembly of premanufactured components in a creative manner.

20 K. *Immediate family* means the spouse, children and stepchildren of a Plaza Park
21 artist/artisan. The city may require proof of relationship for family members.

22 L. *Individual license* means a Plaza Park artist/artisan license issued to an individual
23 artist/artisan licensee pursuant to the provisions of subsection 23-5.3 SFCC 1987.

24 M. *Machine made* means the producing or reproducing of artwork in mass production by
25 mechanical processes such as stamping, blanking, weaving, molds or offset printing and other

1 printing methods that allow mass production except as allowed by these regulations.

2 N. *Major commercial event* means any commercial use for which the entire Plaza is
3 used.

4 O. *Minor rework* means taking a machine made or mass produced item and making only
5 minor additions or changes to the item.

6 P. *Noncommercial use* means any function or event at which nothing is offered for sale
7 and at which no money or other valuable consideration is exchanged for goods or services. This use
8 includes, but is not limited to, patriotic observances, political rallies, televised news media events and
9 motion picture filming activities.

10 Q. *Nonprofit organization* means an organization that is registered as a New Mexico
11 nonprofit organization with the New Mexico Public Regulatory Commission.

12 R. *Original* means the single, one of a kind, master that can be used as the model for a
13 reproduction.

14 S. *Plaza* means that inclusive area bounded on the north by the north curblineline of Palace
15 Avenue running in front of the Palace of the Governors, and on all other sides by the facades of the
16 buildings, excluding portals, or property lines lying to the east, south and west of the Plaza Park as
17 outlined in the map prepared by the city, labeled "Plaza Park Map."*

18 T. *Plaza Park* means that inclusive area bounded by the inside back of the curb
19 surrounding the Plaza as outlined in the map prepared by the city, labeled "Plaza Park Map."*

20 U. *Plaza Park artist/artisan* means an artist/artisan or an artist/artisan represented by a
21 collective issued a Plaza Park artist/artisan license.

22 V. *Plaza Park artist/artisan license* means a license issued to an artist/artisan by the city
23 for the purpose of commercial sales on the Plaza Park.

24 W. *Plaza periphery area* means an area outside the Plaza Park, not including the Plaza
25 Park, bounded by Sandoval and Grant Streets on the west, Alameda Street on the south, Paseo de

1 Peralta on the east and Marcy Street on the north. This area includes both sides of the boundary
2 streets.

3 X. *Plaza pushcart vendor* means a vendor who uses a non-permanent, non-motorized
4 cart, barrow or unit that can be pushed by hand for the purpose of selling food products and is
5 authorized by the city to be located in the Plaza Park, the Plaza, excluding the Plaza Park, or at any
6 location in the Plaza periphery area.

7 Y. *Portrait artist* means a person who creates portraits, cartoons, caricatures, or
8 silhouettes.

9 Z. *Portrait artist license* means a Plaza Park artist/artisan license issued to a portrait
10 artist.

11 AA. *Pushcart* means a non-permanent, non-motorized cart, barrow or unit that can be
12 pushed by hand.

13 BB. *Raw materials* mean any material that can be converted by manufacture or processing
14 or a combination of manufacture and processing into a new and useful product.

15 CC. *Recreational object* means any object that can be thrown, kicked or struck, including,
16 but not limited to, balls, frisbees or any object used in game or sport.

17 DD. *Reproduction* means the production of multiples of a single piece, the original or
18 master, applicable to each medium.

19 EE. *Resident of Santa Fe County* means a person whose primary residence is in Santa Fe
20 County. Residency shall be established by any standard identification that proves residency such as a
21 driver's license, passport or voter registration, utility bills or other documentation.

22 FF. *Roller skates or in-line skates* means a shoe with a set of wheels attached for skating
23 over a flat surface.

24 GG. *Rotating license* means a Plaza Park artist/artisan license issued to seven (7)
25 artists/artisans to be used on a rotating basis.

1 HH. *Service animal* means any animal trained to assist mobility of impaired, blind, or deaf
2 people or trained for and actively employed by a police department.

3 II. *Skateboard* means a narrow board about two feet (2') long mounted on roller skate
4 wheels.

5 JJ. *Special event* means an event that is permitted by the city pursuant to subsection 18-
6 8.9 SFCC 1987, Section 23-4 SFCC 1987, subsection 23-5.2 SFCC 1987 or resolution of the
7 governing body.

8 ***Editor's Note:** A copy of the Canyon Road Periphery Area can be found at the end of this chapter.

9 **Section 2. Subsection 18-8.9 SFCC 1987 (being Ord. #2015-13) is amended to read:**
10 **18-8.9 Vehicle Vendors.**

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

12 B. *Definitions.* As used in this subsection 18-8.9:

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

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

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

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

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

4 *Utility trailer* means a licensed and insured utility trailer as defined by the state of New
5 Mexico motor vehicle division that meets all requirements of the same for operation on public streets
6 and is operated by a licensed driver.

7 *Vehicle vendor* means a person who offers for sale food, beverages, merchandise, or services
8 (except transportation services) from a motorized vehicle, from a utility trailer or travel trailer pulled
9 by a motorized vehicle, or from a pedal-operated vehicle.

10 C. *Vehicle Vendors – General Requirements.*

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

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

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

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

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

25 (6) An annual vehicle vendor fee shall be paid to the city for each vehicle used

1 for vehicle vending pursuant to subsection 18-8.10A SFCC 1987.

2 (7) Vehicle vendors are not permitted in the Plaza, Plaza Park or the Plaza
3 periphery area as defined by Section 23-5 SFCC 1987 unless the vehicle vendor is participating in a
4 special event permitted by the city and has obtained the written permission of the special event
5 sponsor, in which case a maximum of five (5) licensed vehicle vendors may be permitted, or are
6 otherwise authorized by resolution of the governing body.

7 (8) Vehicle vendors are not permitted on public or private streets in the Canyon
8 Road Periphery Area as defined by Section 23-5 SFCC 1987 unless authorized by resolution of the
9 governing body.

10 (9) Use of loudspeakers or amplification of sound by vehicle vendors is
11 prohibited.

12 (10) Vehicle vendors shall at all times keep the area immediately surrounding the
13 outside of their vehicle free of litter and refuse that originates from vending operations and shall
14 remove litter and refuse that originates from vending operations for proper disposal offsite of the
15 vending location.

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

22 D. *Mobile Vehicle Vendors - Additional Requirements.* In addition to the general
23 requirements of this subsection 18-8.9 SFCC 1987, mobile vehicle vendors are subject to the
24 following requirements:

25 (1) Mobile vehicle vendors are permitted to vend only on public streets or in

1 public parking lots, or on private streets or in private parking lots with the written permission of the
2 property owner;

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

5 (3) Mobile vehicle vendors are prohibited from parking for more than three (3)
6 hours per day at any location or within a three hundred (300) foot radius of any location at which they
7 have previously parked during the same day unless the mobile vehicle vendor is participating in a
8 special event permitted by the city and has obtained the written permission of the special event
9 sponsor;

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

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

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

23 (7) Mobile vehicle vendors parked on public streets shall park only in single,
24 legal parking spaces designated for parallel parking. Mobile vehicle vendors parked in public parking
25 lots located in parks may park in any legal designated parking space;

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

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

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

8 (11) The customer entry door of a mobile vehicle vendor parked on a public or
9 private street shall face the adjacent sidewalk or edge of roadway, or be located at the rear of the
10 vehicle;

11 (12) All vending from mobile vehicle vendors shall take place from the vehicle
12 itself. Generators, electrical wiring, menu boards, tables, chairs, tents or other furniture or items
13 associated with the mobile vehicle vendor shall not be placed outside of the vehicle.

14 E. *Stationary Vehicle Vendors - Additional Requirements.* In addition to the general
15 requirements of this subsection 18-8.9, stationary vehicle vendors are subject to the following
16 requirements:

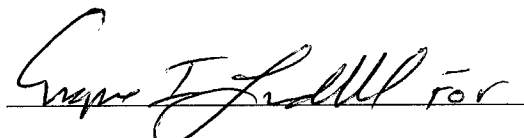
17 (1) Stationary vehicle vendors shall be located only in zoning districts where the
18 type of vending proposed is a permitted use pursuant to Article 14-6 of the City of Santa Fe Land
19 Development Code;

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

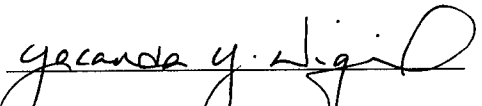
22 (3) A stationary vehicle vendor permit shall allow vending at a single location
23 and for the hours of operation and duration of operation approved by the city.

24 PASSED, APPROVED and ADOPTED, this 27th day of July, 2016.
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JAVIER M. GONZALES, MAYOR

ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


KELLEY A. BRENNAN, CITY ATTORNEY