

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, MAY 10, 2016 @ 4:00 P.M.
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET

PURPOSE OF MEETING:

- Consider recommendation for a Zoning change for the County Fair Addition, Blocks 5, 6, 7, and 8 to a Commercial Zone
- Consider recommendation for a variance on RV Park site requirements of structures within 15' of the RV pad to be removed at 1828 N Third Street
- Consider recommendation for a variance on required lot dimensions for mobile homes on a single lot to be removed at 500 E Adams Drive
- Consider recommendation for a variance of 21' front yard setback and 5' rear yard setback for Lots 1-24 in Sunrise Acres

PRESENT: Members: Vice Chairman Randy Pettigrew, Member David Lynch, Clint Laughrin, and Betty Price.

NOT PRESENT: Chairman Kallie Windsor, Member Abel Cabello, and Member Bobby Kimbro

ALSO PRESENT: City Manager James Williams, City Attorney Patrick McMahon, Fire Inspector Michael Ontiveros, Planning and Zoning Coordinator Crystal Ball, City Clerk Carol Ann Hogue, and Administrative Assistant Anna Juarez

CALL TO ORDER: The meeting was called to order by Vice Chairman Pettigrew at 4:00 p.m.

APPROVAL OF AGENDA: Vice Chairman Pettigrew called for a motion. Member Price so moved to approve agenda as published; Member Laughrin second. Motion was approved.

APPROVAL OF REGULAR MINUTES OF MAY 10, 2016: Vice Chairman Pettigrew called for a motion to approve the regular minutes of May 10, 2016. Member Lynch so moved. Member Price seconded. Motion was approved.

NON-ACTION ITEMS:

- **Staff Report on Action Items Approved by City Commission:** City Manager Williams stated City Commission approved variance for Eddy Madison Subdivision and variance for side yard setback and lot dimensions for mobile homes in Eddy Madison Subdivision.

ACTION ITEMS:

CONSIDER RECOMMENDATION FOR A ZONING CHANGE FOR THE COUNTY FAIR ADDITION, BLOCKS 5, 6, 7, AND 8 TO A COMMERCIAL ZONE: Planning and Zoning Coordinator Crystal Ball addressed Commission to consider zone change of blocks 5, 6, 7, and 8 of the County Fair Addition from an Industrial Zone to a Commercial Zone; this change is in conformance with the City Comprehensive Plan for the future use of these properties. Planning and Zoning Coordinator Ball clarified previous request of zone change. Hilda Marquez is a business owner of Block 8 Lots 1-11; and is in favor of change. Mrs. Marquez stated she owns a business in this location and would like the change so she can build a house beside

her business. Vice Chairman Pettigrew called for a motion; Member Price so moved to approve the zone change for County Fair Addition Blocks 5, 6, 7, and 8 from Industrial to Commercial. Member Lynch seconded. With no further discussion, all Aye. Motion was approved.

CONSIDER RECOMMENDATION FOR A VARIANCE ON RV PARK SITE REQUIREMENTS OF STRUCTURES WITHIN 15' OF THE RV PAD TO BE REMOVED AT 1828 N THIRD STREET:

Planning and Zoning Coordinator Crystal Ball addressed Commission of tenant and owner request to keep additional structure on the side of RV, not attached, but butted up to the RV; not sure when structure was built. RV Park owner Troy Chun stated structure is not attached to RV and the structure is nicely built; structure is used for storage and a playroom. Members, Staff and Mr. Chun discussed 15' side requirement in ordinance for RV and compliance period of code book. Members considered different options to be able to keep structure and still comply with ordinance. City Manager Williams read code 5.52.060 all trailer courts shall provide a lot for each house trailer with boundaries indicated by corner markers. Each trailer house shall be parked parallel to the adjacent trailer houses and shall be at least fifteen feet from the side of any other trailer house or building, whether included within the trailer court or upon adjacent property. Trailers may be parked in staggered rows with the front of such trailers being less than fifteen feet laterally. Vice Chairman Pettigrew stated ordinance that was updated in 2015 has the same verbiage in it with not being able to have structure 15' of RV. City Attorney McMahan stated this is something that was in place already, so you would have to comply with rules now. Members, Staff and Mr. Chun discussed health and safety risks with structure, moving trailer in an adjacent lot to be in compliance, and justification of allowing variance; final approval comes from the City Commission on May 23, 2016. Vice Chairman Pettigrew called for a motion. Member Price so moved to deny the variance as presented by RV owner located at 1828 N Third Street; Member Lynch seconded. With no further discussion, all Aye; with the exception of Member Laughrin. Motion was approved.

CONSIDER RECOMMENDATION FOR A VARIANCE ON REQUIRED LOT DIMENSIONS FOR MOBILE HOMES ON A SINGLE LOT TO BE REMOVED AT 500 E ADAMS DRIVE:

Planning and Zoning Coordinator Crystal Ball addressed Commission of a property owner requesting a variance for the removal of the required lot dimensions for mobile home; due to the pie shaped configuration of this lot. Planning and Zoning Coordinator Ball recommended a mobile home with the dimensions of 16'x60' home will fit with all setbacks still being met. Manuel Garfio, property owner, stated he was not aware of the rules until it was time to install the water and sewer lines, but will comply with requirements if approved he will stay within the guidelines. Members Lynch asked if mobile home size can be only 16'x60' and below; Planning and Zoning stated yes and lot is appropriate size. Vice Chairman Pettigrew called for a motion. Member Lynch so moved to approve the variance for the lot dimension requirement to be removed for this property located at 500 E. Adams; Member Price seconded. With no further discussion, all Aye. Motion was approved.

CONSIDER RECOMMENDATION FOR A VARIANCE OF 21' FRONT YARD SETBACK AND A 5' REAR YARD SETBACK FOR LOTS 1-24 IN SUNRISE ACRES:

Planning and Zoning Coordinator Crystal Ball addressed Commission of a property owner of Sunrise Addition developer is requesting a variance for lots 1 – 24 to change the front yard setback to 21' and the rear yard setback to 5' to accommodate their floor plans; lots are not developed, but water and

sewage is installed. Daniel Dattola, developer stated request for variance will cut back on time and will allow customer the option to decide what type of floor plan they want; the request of variance is in case it is needed. Members, Staff, David Gallegos and Mr. Dattola discussed size of homes, size of lots, style of homes, fire hydrants placement, and water flow. Fire Inspector Ontiveros stated fire hose is 1200 feet of supply line; fire does have enough line to reach the furthest house in the cul de sac. Mr. Dattola stated every yard will be enclosed with a fence for privacy; 12 models will be offered to customers with their own identity. Members, Staff and Mr. Dattola discussed new type of neighborhood with no backyards, satisfying customer's needs, and restriction for customers to not ask for another variance. Leon Ivery stated we are asking for the 5' setback, realistically we might average 8' to 15' from the rear with a common fence; the homes are 1400 to 2800 square foot and on the deeper lots homes will be 25 to 27 foot setback. Without the variance, developers would need to redesign complete lines of homes; replat will serve no purpose with all utilities and street paved. Planning and Zoning Coordinator Ball asked if owners could be made aware of covenants and presented to all buyers prior to purchase; developers agreed. Mr. Gallegos translated for Maria Salcido, who had a question concerning telephone poles and electrical poles which eventually will need to be moved to the alley; which is currently in her front yard on Dogwood; house is in between subdivision. Mr. Gallegos translated for Mrs. Salcido stated that they spoke to Rudy Quiroz, some time back he wanted a straight line; they encroached on her property and this is probably why they are willingly to buy an easement. It is both on her property and her alley; Mr. Quiroz had made a comment that the City would move the alley in the back to pass. This is something that is going to have to be dealt with. Mr. Gallegos translated for Mrs. Salcido alley needs to be moved because it is in the middle of her patio. Mr. Gallegos stated he will work with Mrs. Salcido to see what can be done with easement and alley issue. City Attorney McMahan asked Members to consider: is this a decision that is up to the customer, why do we have setbacks are they objective or subjective, and is this something specific as far as a health and safety risk. Planning and Zoning Coordinator stated most new homes are all electric. City Manager Williams stated when setbacks were set in the early 1970's it was possibly an aesthetic issue; this variance will give the landowner the right to decide what they want. Members, Staff and City Attorney McMahan discussed option for considering variance presented, future concerns with neighbors requesting the same, and full disclosure to customers. City Attorney McMahan stated the record would reflect even if one lot wants this request of change if someone else came in and request that change to 5' setback, you can take into consideration because those units would have already been developed under certain criteria; as far as the setback in that one house development that is already existing will have a significant impact, as opposed to this subdivision which has not been developed. Members, Staff and City Attorney McMahan discussed motion to include full disclosure of understanding of setbacks. Mr. Dattola stated covenants will be recorded with the County; homes will have two car garages. Vice Chairman Pettigrew called for a motion. Member Laughrin so moved to approve the variance with the additional understanding that the applicant make buyer aware of setbacks of accessory buildings; Member Price seconded. With no further discussion, all Aye. Motion was approved.

PUBLIC COMMENT:

City Manager Williams stated on the April 11, 2016 City Commission meeting an individual asked City to review new ordinance concerning individuals living in RV's outside of an RV

park. City Manager Williams asked Members to review, comment, and make changes to draft ordinance addressing issues in the June meeting. City Manager Williams stated ordinance will come back for action for recommendation to proceed with ordinance change; at that point, ordinance will be presented for recommendation to City Commission for approval to start advertisement and public hearing process.

ADJOURNMENT:

There being no further business the meeting adjourned at 5:17 p.m.

APPROVED: _____
VICE CHAIRMAN, RANDY PETTIGREW

ATTEST: _____
MEMBER, DAVID LYNCH

Additional information on new RV ordinance in Zoning

17.23.10 Definitions:

- A. "Recreational Vehicle (RV)"
- B. "Shade Structure" means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, for the purpose of providing overhead protection for one RV, one boat or one utility trailer with posts for support but no walls on any side and no door on the structure. At no time will the shade structure be allowed in the front of the home, nor within the front yard setbacks.

17.23.020 Location where occupied:

17.23.030 Storage Restrictions:

Omit statement of storing in other zoning districts.

- A. Change this line item: Stored RV's require proper blocking and chocking of tires to prevent unwanted movement, or damage.

3. Storage for RV's shall be in compliance with the following:

- a. It must have the proper blocks and tire chalking to prevent unwanted movement.

G. A Shade Structure can be built for a RV, boat, or utility trailer on the property which can be attached to or adjacent to the dwelling, owned by and used by the occupants. The Shade Structure must be properly permitted and approved by Planning and Zoning, and must meet the following:

- a. It will not be allowed anywhere within the front yard setbacks, or beyond the front of the home.
- b. It must match or conform to the permanent dwelling in materials, character and design.
- c. It must not have walls or doors interfering with vision.
- d. It must have its roof supported in conformance with the state building code as modified from time to time", and State building permits are required.
- e. It must be constructed of metal or wood of such design and size as to adequately and safely support the structure and shall conform to the design and materials of which it is attached.

- f. It must have a side yard depth of at least five feet before reaching the area immediately below the roof of the shade structure.
- g. If located in the rear yard, it shall not consume an area so large that it does not leave 30% of the rear yard to open space.

17.23.040 Additional Parking restrictions

17.23.050 Temporary Occupation

Temporary occupation of an RV is permitted on a residential lot with the following restrictions:

1. Occupation permit for no more than seven (7) days.
2. No more than four (4) temporary occupancy permits will be issued per lot, per calendar year.
3. A Temporary RV Residential Use permit shall be required from the City Planning and Zoning Department for each stay.
 - a. Permit fee for each temporary occupation shall be ten (10) dollars.
4. **Omit this one**
5. RV may not discharge ant litter, sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.
6. The RV may be hooked up to temporary water and electrical as along as all state and City codes are meet.
7. Generators for the RV use will not be allowed.
8. Temporary RV Residential permits are non-transferable.

17.23.060 Violation – Penalty

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred (500) dollars or by imprisonment not to exceed ninety days or by both such fine and imprisonment. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such.



Project Property Address: _____

City Planning & Zoning Coordinator: Crystal Ball

Email- cball@lovington.org

Phone: (575) 396-9301

Temporary RV Residential Use Permit

The following check list provides additional requirements for permit application. Please attach all of the requested documentation, sign, and date.

Permit Requirements

- 1) Submit a completed legible, signed and dated Planning and Zoning Application. All fields must be completed in order to process the application. This document provides the City planning and zoning with the basic information for all permitting applications.
- 2) Pay City Permit Fee in the amount of \$ 10.00 Date paid _____
(Permits are for no more than 7 days)
- 3) Provide proof of ownership or interest in the property. A deed with a legal description or property lease will meet this requirement. If the applicant is not the owner, an Affidavit by Property Owner(s) is required.
- 4) Provide proof of Motor Vehicle Registration of the RV. A MVD registration is required.
- 5) Submit site plans. Site plans must show the property lines, main building dimensions, lot dimensions, easements, building setbacks, road access points, and the location of the RV.
- 6) Submit identification, for the property owner/tenant and/or the occupant of the RV.
- 7) After use of RV, RV must be taken to the proper facilities to discharge and litter, sewer, gray water, or any other matter.

Applicant Name: _____

Applicant Signature: _____ **Date:** _____

Notes or recommendations for applicant from Planning and Zoning or Code Enforcement Staff:

Preliminary Approval

Planning, Zoning, Codes Staff Name: _____

Signature: _____ Date: _____

Final Approval

Planning, Zoning, Codes Staff Name: _____

Signature: _____ Date: _____

ORDINANCE NO. 508

AN ORDINANCE MODIFYING AND AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 5 CHAPTER 5.04 AND CHAPTER 5.56 BE AND HEREBY IS AMENDED AS FOLLOWS:

Chapter 5.04 – Business Registration and License Fees

5.04.15 Mobile business activity fee – Imposition

In addition to the business registration fee, there is imposed an annual mobile business activity fee of one hundred dollars for each calendar year for those persons who engage in mobile business activity. The mobile business activity fee may not be prorated for mobile business activity that occurs only once in any calendar year an/or for only a limited number of days in any calendar year.

Chapter 5.56 – Transient and Itinerant Merchants and Vendors

5.56.110 License – Expiration

A license issued under this chapter shall continue and be in force for a period not to exceed seven consecutive days for the sale of goods or merchandise between the hours of 8:00 a.m. and 8:00 p.m., which license shall expire at 8:00 p.m. on the seventh day. The fee required shall not be prorated or refunded.

5.56.190 Violation – Penalty

Anyone found guilty of violating the provision of this chapter shall be punished by a fine of up to five hundred dollars or imprisonment of up to ninety days, or by both such fine and imprisonment.

Passed, adopted and approved this 28th day of May, 2013.



CITY OF LOVINGTON

Dixie Drummond
DIXIE DRUMMOND, Mayor

ATTEST:

Carol Ann Hogue
CAROL ANN HOGUE, City Clerk

5.04.015 Mobile business activity fee- Imposition.

In addition to the business registration fee, there is imposed an annual mobile business activity fee of one hundred dollars for each calendar year for those persons who engage in mobile business activity. The mobile business activity fee may not be prorated for mobile business activity that occurs only once in any calendar year and/or for only a limited number of days in any calendar year. (Ord. 508, 2013)

Add

5.04.016 Mobile food business activity fee – Imposition.

Definition

"Mobile food business" means

"**food truck**" is a large vehicle equipped to cook and sell **food**. Some, including ice cream **trucks**, sell frozen or prepackaged **food**; others have on-board kitchens and prepare **food** from scratch. Sandwiches, hamburgers, french fries, and other regional fast **food** fare is common.

| Types of restaurants

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Food truck

From Wikipedia, the free encyclopedia

A **food truck** is a large vehicle equipped to cook and sell food.^[1] Some, including ice cream trucks, sell frozen or prepackaged food; others have on-board kitchens and prepare food from scratch. Sandwiches, hamburgers, french fries, and other regional fast food fare is common. In recent years, associated with the pop-up restaurant phenomenon, food trucks offering gourmet cuisine and a variety of specialties and ethnic menus, have become particularly popular.^[2] Food trucks, along with portable food booths and food carts, are on the front line of the street food industry that serves an estimated 2.5 billion people every day.^{[3][4]}



A food truck in Nouméa, New Caledonia, serving Chinese food, 2011

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History

In the United States, the Texas chuckwagon is a precursor to the American food truck. In the later 1800s, herding cattle from the Southwest to markets in the North and East kept cowhands on the trail for months at a time.^[5] In 1866, the "father of the Texas Panhandle," Charles Goodnight,^[6] a Texas cattle rancher, fitted a sturdy old United States Army wagon with interior shelving and drawers, and stocked it with kitchenware, food and medical supplies. Food consisted of dried beans, coffee, cornmeal, greasy cloth-wrapped bacon, salt pork, beef, usually dried or salted or smoked, and other easy to preserve food stuffs. The wagon was also stocked with a water barrel and a sling to kindle wood to heat and cook food.^{[7][8]}

Another early relative of the modern food truck is the lunch wagon, as conceived by food vendor Walter Scott in 1872. Scott cut windows in a small covered wagon, parked it in front of a newspaper office in Providence Rhode Island, and sold sandwiches, pies and coffee to pressmen and journalists. By the 1880s, former lunch-counter boy, Thomas H. Buckley, was manufacturing lunch wagons

in Worcester, Massachusetts. He introduced various models, like the Owl and the White House Cafe, with features that included sinks, refrigerators and cooking stoves, also colored windows and other ornamentation.^[9]

Later versions of the food truck were mobile canteens, which were created in the late 1950s. These mobile canteens were authorized by the U.S. Army and operated on stateside army bases.^[10]

Mobile food trucks, nicknamed "roach coaches" or "gut trucks," have been around for years, serving construction sites, factories, and other blue-collar locations.^[11] In big cities of the U.S. the food truck traditionally provided a means for the on-the-go person to grab a quick bite at a low cost. Food trucks are

not only sought out for their affordability but as well for their nostalgia; and their popularity continues to rise.^[12]

In recent years, the food truck resurgence was fueled by a combination of post-recessionary factors. Due to an apparent combination of economic and technological factors combined with street food being "hip" or "chic", there has been an increase in the number of food trucks in the United States.^{[13][14]} The construction business was drying up, leading to a surplus of food trucks, and chefs from high-end restaurants were being laid off. For experienced cooks suddenly without work, the food truck seemed a clear choice.^{[13][15]}



A pizza truck in New York City, 2009

Once more commonplace in American coastal big cities like New York and LA, gourmet food trucks are now to be found as well in the suburbs, and in small towns across the country.^{[16][17][18]} Food trucks are also being hired for special events, like weddings, movie shoots, and corporate gatherings, and also to carry advertising promoting companies and brands.^[19]



A taco truck in St. Louis, Missouri



The Maximus/Minimus food truck in Seattle, Washington, 2010



Food trucks at the "Food Trucks for Haiti" benefit in West Los Angeles

The gourmet food truck

A modern-day food truck isn't just an ordinary taco truck one might find at a construction site.^[20] In 2009, *New York* magazine noted that the food truck had "largely transcended its roach-coach classification and is now a respectable venue for aspiring chefs to launch careers."^[11] These gourmet trucks' menus run the gamut of ethnic and fusion cuisine. Often focusing on limited but creative dishes at reasonable prices, they offer customers a chance to experience food they otherwise may not. Finding a niche seems to be a path to success for most trucks. While one truck may specialize in outlandish burgers, another may serve only lobster rolls. Food trucks are now even Zagat rated.

Tracking food trucks has been made easy with social media like Facebook and Twitter, where a favorite gourmet truck can be located at any moment, with updates on specials, new menu items and location changes.^[21] In fact, it could be argued that social media was the biggest contributing factor to the breakthrough success of the gourmet food truck.^[22] In addition to social media, there are a number of food truck tracking apps for smartphones: some cover specific geographical regions, others work everywhere.

Food truck rallies and food truck parks are also growing in popularity in the US. At rallies, people can find their favorite trucks all in one place and as well provide a means for a variety of diverse cultures to come together and find a common ground over a love for food.^{[2][23][24]} On August 31, 2013, Tampa hosted the world's largest food truck rally, with 99 trucks attending.^[25] And food truck parks, offering permanent locations, are found in urban and suburban areas across the US.^{[16][26]}

The popularity of food trucks lead to the creation of associations that protect and support their business rights, such as the Philadelphia Mobile Food Association.^[27]

Business and economics

Food trucks are subject to the same range of concerns as other foodservice businesses. They generally require a fixed address to accept delivery of supplies. A commercial kitchen may be needed for food prep. There are a variety of permits to obtain, and a health code to observe. Labor and fuel costs are a significant part of the overhead.^{[28][29]}

Legal definitions and requirements for food trucks vary widely by country and locality. For example, in Toronto, Canada, some of the requirements include business and liability insurance, a Commercial Vehicle Operator's Registration for the truck, permits for each municipality being operated in (downtown, various suburbs), a food handler certificate, appropriate driver's licenses for drivers, assistant's licenses for assistants, and a health inspection.^[30]

As the rising number and popularity of food trucks push them into the food mainstream, region by region, problems with local legislators and police reacting to new situations, and brick-and-mortar restaurants fearing competition, have to be worked through, in some cases creating significant business uncertainty.^{[31][32][33]} Chicago long held the distinction of being the only city in the United States that did not allow food trucks to cook on board, which required trucks to prepare food in a commercial condition, then wrap and label the food and load it into a food warmer. In 2012, under pressure from food truck

owners and supporters, including the University of Chicago Law School, regulations were changed to allow on-board cooking, however, controversially, food trucks are required to park 200 feet away from any restaurant, which virtually eliminates busy downtown locations.^{[34][35][36]}

In the US, specialized food truck outfitters offer comprehensive start-up services that can include concept development, training, and business support, in addition to outfitted trucks.^[37] In the US, food trucks are a \$1.2 billion industry.^[38]

Expansion from a single truck to fleets and retail outlets has proven possible. Los Angeles-based gourmet ice cream maker Coolhaus grew from a single truck in 2009 to 11 trucks and carts, two storefronts, and over 2,500 retail partner stores by September 2014.^{[39][39][40]}

Around the world

Asia

In Asia, the cuisine offered by food trucks requires simple skills, basic facilities and a relatively small amount of capital. They are plentiful, with large potential for income and often a very large sector for employment. Individuals facing difficulty finding work in formal sectors, will often venture into this industry, as it allows entire families to involve themselves in the preparing and cooking of foods sold to the public. The appeal involved in sustaining a food truck lie not only in the low capital requirement, but also in the flexibility of hours, with minimal constraints to locale. Street foods predominantly reflect local culture and flavor. Food trucks appeal to consumers in that they are often an inexpensive means of attaining quick meals. Location and word of mouth promotion has been credited for their widening success.^[41]



A food truck in Taiwan

Australia

Food trucks are available across Australia, and are covered as a popular trend in the media.^[42] An Australian national online directory, Where The Truck At, lists some 170 food trucks.^[43]

Belgium

Chip trucks have long been a staple of the Belgian countryside.^[44] The Belgian Food Truck Association is lobbying to legalize food trucks on the street. Brussels was the first European city to propose locations for food trucks at football matches. Belgium also holds the Brussels Food Truck Festival, the largest of its kind in Europe, every year in May.^[45]



A mobile cafe in South Bank Parklands, Brisbane

Canada

In Canada, food trucks, also commonly known as *cantines* (French for cafeteria) in Quebec, are present across the country, serving a wide variety of cuisines, including anything from grilled cheese sandwiches to Mexican. In 2013, Vancouver-based food truck, Vij's Railway Express, serving fresh Indian cuisine, won the People's Choice award for Canada's best new restaurant of the year, in national airline Air Canada's *enRoute Magazine* poll, facing off in the finals against 34 conventional restaurants.^[46]

France

Although food trucks are common at outdoor markets, American-style trucks selling restaurant-quality food first appeared in Paris in 2012. Their owners needed to obtain permission from four separate government agencies, including the Prefecture of Police, but the trucks' offerings—including tacos and hamburgers—have reportedly been very popular.^[47]

Mexico

Although street food in Mexico is unregulated, food trucks are becoming increasingly popular as of 2013 and owners have created an association to pursue the professionalization and expansion of this commercial sector. In addition to the food trucks catering on the streets, there are regular bazaars organized to introduce their products to the consumers.^[48]

In response to this popularity the Local Authorities have issued a series of special regulations to incorporate them to legal schemes that would help to order this commerce form. as new food truck business model emerged, some local bodybuilders begin to make food trucks from new vehicles from major car-makers.

United Kingdom

With the advent of motorised transport during World War II, food trucks came into common use. Mobile canteens were used in almost all theatres of war to boost morale and provide food as a result of the successful tea lady experiment.^[49]

Food trucks today are known as snack vans and can be found on nearly all major trunk roads at the side of the road or in areas that have a large pedestrian population, such as at village fetes or town centers. These vans can specialise in myriad different food types, such as donuts, hamburgers, chili and chips, as well as ethnic food. Some people prefer to stop at snack vans when travelling, due to the low price, rather than stop at a motorway service station where prices can be extremely high.^[50]



Food trucks in Montreal



Bull Truck: prime Mexican meat, sold out at the end of the day



A snack van at the British Museum in London



A food truck in London that purveys hot dogs, crêpes and coffee

In popular culture

- In the United States, the food truck phenomenon can be seen regularly on national food television^{[51][52]} Both *The Great Food Truck Race* (a reality series on the Food Network) and *Eat St.* (broadcast on the sister station, Cooking Channel), feature food trucks and mobile food carts from all over the US.^{[53][54][55]}
- On Canada's Food Network, *Food Truck Face Off*, four teams battle for the grand prize, use of a customized food truck for one year.^[56] Also on the network, an episode of *Kid in a Candy Store* looks behind the scenes at a gourmet dessert truck.^[57]
- In the 2014 American comedy-drama, *Chef*, a high-end chef has a kitchen meltdown and rediscovers his passion for cooking while driving and operating a simple food truck across America.
- In the "Food Fight" episode of the TV series, *The Glades* (Season 3), the plot revolves around restaurants trying to eliminate food truck competition.

List of food trucks

See also

- Campervan
- Concession stand
- Diner
- Doner kebab
- Food truck rally
- Food trucks in Tampa, Florida
- Mobile catering
- Motorhome
- Taco stand

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External links

-  Media related to Food trucks at Wikimedia Commons

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Categories: Catering | Fast food | Food trucks | Innovation | Snack foods | Street food | Trucks

Mobile catering

From Wikipedia, the free encyclopedia

Mobile catering is the business of selling prepared food from some sort of vehicle. It is a feature of urban culture in many countries.^[1] Mobile catering can be performed using food trucks, trailers, carts and food stands. Many types of foods may be prepared. Mobile catering is also used to provide food to people during times of emergency.



A van selling waffles in Brussels, Belgium.

Contents

- 1 Variants
- 2 Uses
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Variants



A gyro truck in Athens, Ohio.

A food cart is a motorless trailer that can be hauled by automobile, bicycle, or hand to the point of sale, often a public sidewalk or park. Carts typically have an onboard heating and/or refrigeration system to keep the food ready for consumption. Foods and beverages often served from carts include

- Hot dogs and other sausages in the United States (see hot dog stand)
- Tacos, burritos and other Mexican-style food that can be held in the hand, thus lending the name *taco truck* or, in Spanish, "*lonchera*"
- Halal food such as lamb or chicken over rice, or in a gyro
- Ice cream and other frozen treats
- Coffee, bagels, donuts, egg sandwiches, *e.g.*, bacon, egg, and cheese, and other breakfast items
- Pig roast often served in a bread bun or baguette with apple sauce or sage & onion stuffing.
- BBQ popular food items include burgers, sausages and chicken.

A catering truck enables a vendor to sell a larger volume than a cart and to reach a larger market. The service is similar; the truck carries a stock of prepared foods that customers can buy. Ice cream vans are a familiar example of a catering truck in Canada, the United States and United Kingdom.

A food truck or mobile kitchen is a modified van with a built-in barbecue grill, deep fryer, or other cooking equipment. It offers more flexibility in the menu since the vendor can prepare food to order as well as fresh foods in advance. A vendor can choose to park the van in one place, as with a cart, or to broaden the business's reach by driving the van to several customer locations. Examples of mobile kitchens include taco trucks on the west coast of the United States, especially Southern California, and fish and chips vans in the United Kingdom. These vehicles are sometimes dysphemistically called "roach coaches" or "ptomaine wagons". This form of transport is a favourite of Walter McGinleys from the television show Walter McGinley's Cooking Hour.



Mobile catering for Indian railways

A concession trailer has preparation equipment like a mobile kitchen, but it cannot move on its own. As such it is suited for events lasting several days, such as travelling funfairs.

Uses

In addition to being operated as private businesses, mobile catering vehicles are also used after natural disasters to feed people in areas with damaged infrastructure. The Salvation Army has several mobile kitchens that it uses for this purpose.

Mobile catering vehicles have also provided a niche for advertisers to target the working population and general audience. With a wide variety of display options, lunch truck advertising has exploded into a successful marketing venture for many companies, including Outdoor Ad Systems, LLC.

Mobile catering is popular throughout New York City, though sometimes can be unprofitable.^[2]

See also

- Catering
- Diner
- Food cart
- Food truck
 - List of food trucks
- Gastronom sizes
- Street food
- Taco stand
- Food portal



People in Caruthersville, Missouri receiving food and supplies from a Salvation Army disaster relief truck in April 2006

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media related to ***Mobile catering***.

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Categories: [Catering](#) | [Types of restaurants](#) | [Street culture](#) | [Food trucks](#)

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New Mexico Environment Department

Food Program



Food Permit Applications

When you have completed the application package (or if you have questions), please call your nearest [NMED Field Office](#) for information or to set up an appointment to meet with one of our Environmental Specialists. We will review the package briefly with you to be sure information is complete and understandable. You will soon receive a letter indicating that your plans are approved, approved with conditions, or not approved. Your letter indicating approval or conditional approval will indicate what pre-opening inspections are required and when the permit fee is to be paid. Only after your application is approved or conditionally approved, may you begin construction of the physical facility. Any change orders require approval.

Please Note: Adobe Reader is [required](#) for viewing and printing the following Portable Document Format (PDF) documents. To download the free Adobe Reader, please click [here](#)

- [Application: Food Facility \(REVISED 3/10/16\)](#) Application to operate a food establishment, mobile food establishment, pushcart, food processing plant, servicing area (commissary), or mobile support unit
- [Application: Temporary Food Establishment \(REVISED 3/21/16\)](#) Application to operate a temporary food establishment. There is now a single application, regardless of event length. The application was revised 3/21/16. Revisions include: added "booth name" under section 2, changed reference to "table 10-1" to "chart 10-1" throughout to match the Retail Food Field Guide, added missing footnotes under Chart 10-1, and added a new footnote under Chart 10-1 to clarify "TCS".
- [Application for Home Based Processing and Plan Review Guideline Page](#) Information about obtaining a permit to operate a home-based food processing operation
- [Application for a Variance \(NEW 2/29/16\)](#) Application for a variance from the requirements of the food service regulations
- [Registration Form for State and Tribal Food Safety Program](#) Allows traditional tribal baked goods to be sold directly to consumers on non-tribal lands in New Mexico

If you need any assistance in completing these forms or have any further questions, please [contact us](#).

page last updated 06/09/2016



Application Date: _____

General Information			
Establishment Information			
Name of Establishment:			
Street Address:		Phone:	
City:		Cell:	
State:	Zip:	Fax:	
Mailing Address (if different than above):			
City:			
State:	Zip:	Email:	
Business/Ownership Information			
Select one: <input type="checkbox"/> Association <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Other Legal Entity _____			
NM Combined Reporting System Identification Number (CRS #) _____			
Individual or Corporate Name:		Phone:	
Mailing Address:		Cell:	
City:		Fax:	
State:	Zip:	Email:	
Person Directly Responsible for Operation (Manager)			
Name and Title:		Phone:	
Mailing Address:		Cell:	
City:		Fax:	
State:	Zip:	Email:	
Immediate Supervisor of Person Directly Responsible for Operation (Area Manager)			
Name and Title:		Phone:	
Mailing Address:		Cell:	
City:		Fax:	
State:	Zip:	Email:	
Ownership Information (List all persons comprising legal ownership)			
Name and Title:		Phone:	
Mailing Address:		Cell:	
City:		Fax:	
State:	Zip:	Email:	
Attach separate page, if additional space is required.			
Regulations			
A copy of the regulations may be obtained at: www.env.nm.gov/foodprogram			
Preferences:	Invoice:	Email <input type="checkbox"/> Mail <input type="checkbox"/>	Permit: Email <input type="checkbox"/> Mail <input type="checkbox"/>



Type of Operation (Check one)	
Food Establishment (Retail)	Mobile Support Unit
Food Processing Plant	Mobile Food Establishment
Servicing Area (Commissary)	Self-Contained Mobile Unit
	Non Self-Contained Mobile Unit
	Pushcart

Type of Construction (Check one)	
New Construction	Remodel
Facility Conversion to Food Operation	Opening or Transfer of Ownership of Existing Food Operation

Type of Retail Food Establishment (Check all that apply)	
Full Service Restaurant	Bar
Fast Food	Coffee Shop
Deli	Catering Operation
Seafood Market	Concession Stand / Snack Bar
Meat Market	Institution and/or Hospital
Convenience Store	Bakery
Daycare	Market (Grocery)
School Food Program	Other:

Type of Food Processing Plant (Check all that apply)	
Acid Food	Tortilla
Formulated Acid Food	Frozen Food
Acidified Low-Acid Canned Food	Refrigerated Food
Low-Acid Canned Food	Dry Mix Food
Seafood	Jams/Jelly
Shellfish	Jerky
Bottled Water	Warehouse
Bakery	Candy
Salsa	Fermented Food
Juice	Meat Product
Raw Food	Other:
Chile Product	Other:



Construction and Opening Details	
Date Construction is to Start:	Date of Planned Opening:

Below is a checklist of required information needed to complete the plan review.
Please ensure all information is included.
Lack of complete information will delay review and plan approval.

1	Floor Plan (pg.5) <ul style="list-style-type: none"> • Equipment layout • Equipment Specification Sheets 	6	Chemical and Personal Items (pg.12) <ul style="list-style-type: none"> • List on the floor plan the chemical and employee personal items storage areas
2	Plumbing (pg.8) <ul style="list-style-type: none"> • Plumbing Connections 	7	Food Handling (pg.13) <ul style="list-style-type: none"> • Menu • Food Preparation SOP or Manuals (if available) • Employee Hygiene Plan • Temperature monitoring logs (if applicable)
3	Mechanical (pg.10) <ul style="list-style-type: none"> • Mechanical Plans and Schedules <i>(new construction)</i> 	8	Mobile (pg.17) <ul style="list-style-type: none"> • MVD Registration • Servicing Area Agreement (if applicable) • List of Mobile Support Units (if applicable)
4	Electrical (new construction) (pg.11) <ul style="list-style-type: none"> • Electrical Plans and Schedules 	9	Food Processing Plant (pg.18) <ul style="list-style-type: none"> • List of processed foods • Operational Plan • Flow charts • Product labels • Recall procedure • Water activity laboratory results (if applicable)
5	Site Plan (pg.11) <ul style="list-style-type: none"> • Site Plan • Water Test Results (if applicable) • Piping diagram of the water supply disinfection system (if applicable) 	10	Administrative (pg.21) <ul style="list-style-type: none"> • Certified Manager Certificate • Retail packaged food labels (if applicable)



Square Footage and Area Location		
<i>*If the establishment is in a multi-story structure, indicate on which floor each area is located.</i>		
Please indicate square footage in each area	Square Feet (ft. ²)	*Floor
Total Square Feet of the Establishment		
Total Square Feet of the Kitchen Area		
Square Feet of the Food Preparation and Dishwashing Area		
Square Feet of Food/Beverage Storage Areas		
Square Feet of Retail Sales Area (Markets)		

Indicate number of seats in each area:	
Indoor:	Outdoor:

Days and Hours of Operation							
Insert hours below in the following format: 8am to 8pm							
If there is a break in the hours you are open, use the second line to insert additional hours.							
Days	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Hours	to	to	to	to	to	to	to
Hours	to	to	to	to	to	to	to

For seasonal operations, check all that apply.											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional information (if applicable):

Projected daily maximum number of meals to be served per shift, where applicable.			
Breakfast		Lunch	Dinner
Maximum number of kitchen staff per shift, where applicable.			
Breakfast		Lunch	Dinner

Previous Submittal		
Have plans for this establishment previously been submitted to NMED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If yes, prior to proceeding with sections 1-5 check with NMED office to determine if acceptable plans are on file.		



Section 1 – Floor Plan

FACILITY FLOOR PLAN/EQUIPMENT LAYOUT:

A. Submit floor plans drawn to scale that include the location and identification of all equipment including but not limited to, the items listed in table below. Check all that apply to your facility.

Floor Plan/Equipment Layout			
Refrigerators		Indoor/Outdoor Seating	Hand sink(s) (required)
Stoves		Outdoor Cooking/Bar/Patio	Toilet Facilities
Microwave		Chemical Storage Areas	Floor Sinks/Floor Drains
Ovens		Personal Storage Areas	Hose bibs/hose reels (if applicable)
Dipper Wells		Dry Storage Areas	Grease Interceptor/Grease Trap
Ice Bins/Ice Machines		Garbage/Recyclables Storage	Water Heater Locations
Buffet Lines		Chemical Dispensing Units	Ventilation Hoods
Walk in refrigerators		Laundry Facility Locations	Warewashing Sinks
Freezer		Wait Stations	Utility Mop sinks
Steam tables		Bar Service Areas	Dump Sinks
Blaster chillers		Food Preparation Sinks	Dish machines

B. Provide refrigeration units and hot holding information in the tables below.

Refrigeration Capacities		
TYPE OF UNIT	# OF UNITS	TOTAL CUBIC FEET
Walk-in Cooler		
Walk-in Freezer		
Reach-in Cooler		
Sandwich Prep Cooler		
Reach-in Freezer		
Blast Chiller		
Retail Display		
Other:		
Other:		

Hot Holding Units		
TYPE OF UNIT	# OF UNITS	ANSI STD #
Steam Tables		
Hot Box		
Cook & Hold Units		
Other:		
Other:		
Other:		



C. Provide or use the finish schedule in table below to indicate interior finishes for each area within the establishment.

ROOM FINISH SCHEDULE									
Room Name or Number	Floors			Wall Finishes				Ceiling	
	Material	Finish	Type of Base	North	East	South	West	Material	Finish
<i>EXAMPLE: Kitchen</i>	<i>Tile</i>	<i>Smooth</i>	<i>Tile Coving</i>	<i>Stainless</i>	<i>Stainless</i>	<i>Stainless</i>	<i>Stainless</i>	<i>Vinyl Acoustic Tile</i>	<i>Smooth</i>
Kitchen									
Dishwashing Area									
Dry Storage									
Walk-in Refrigerator									
Walk-in Freezer									
Other:									
Other:									
Other:									
Other:									



EQUIPMENT SPECIFICATIONS:

D. Submit equipment specification sheets, including make and model numbers. Equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program. If a specification sheet lists more than one piece of equipment, identify the specific equipment to be used.

Bulk and self-service food:		
Will food items such as candy, trail mix, etc. be sold in bulk to the public? If yes, please submit equipment specifications for bulk food bins.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Will self-service foods (i.e., buffets and salad bars) be provided? If yes, please submit equipment specifications for food shields and/or sneeze guards.	YES <input type="checkbox"/>	NO <input type="checkbox"/>

E. Complete table below to indicate method of equipment installation or attach an equipment schedule, including display units.

Clean-In-Place Equipment Installation List <i>Note: Under "Installation Method", check all that apply.</i>					Installation Method					
					Floor Mounted			Counter/ Table-Mounted		
ID # on Plan or Location	Equipment	Make/Model	New (N) / Used (U)	Plumbing Required Yes / No	Casters	Legs (at least 6 inches)	Sealed In Place	Portable	Legs (at least 4 inches)	Sealed In Place



Section 2 - Plumbing

PLUMBING CONNECTIONS:

Complete table below for all food service related equipment and plumbing fixtures. Indicate if fixtures or equipment will be indirectly drained (e.g. floor sink or air gap), directly connected to the sewer (p-trap), and/or what method of backflow prevention will be used (if applicable).

ID # on Plan or Location	Fixture or Equipment	Indirect/Direct Drainage	Method of Backflow Prevention
	Warewashing Facilities		
	Dish Machines		
	Garbage Disposals		
	Hand sinks		
	Food Preparation Sinks		
	Refrigeration Units		
	Ice Bins/Machines		
	Beverage Machines		
	Mop/Utility Sink		
	Chemical Dispensing Units		
	Others:		
	Others:		

Note: Approved backflow protection is intended to protect the water supply. A vacuum breaker on water inlet lines for dishwashing machines, garbage disposals, or hose bibs is an example. Indirect drainage is intended to protect fixtures from sewage backup. An air gap at warewashing, food preparation sinks, ice bins/machines or beverage machines is an example.

Hand Washing Sink:		
Do all sinks have a mixing valve or combination faucet with hot and cold running water under pressure?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Are hand drying devices and hand cleanser available at each sink?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Food Preparation Sink:		
Is a dedicated food preparation sink provided?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Is a garbage disposal provided?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Food Preparation Sink Information		
ID # on Plan or Location	Length (inches) of Drain board	Dimensions (inches) of Sink Compartments (LxWxD)
		x x
		x x
		x x



Drain boards:		
Will alternate equipment or methods be used in place of traditional drain boards?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If yes, indicate the methods that will be used and provide specification sheets:		

Manual Warewashing - Include the size of each compartment (*length x width x depth*) of the warewashing sinks, soiled and clean drain board lengths, and whether or not a pre-rinse spray hose will be installed for each warewashing area, including bars.

Manual Warewashing Information				
ID # on Plans or Location	Length (inches) of Soiled Drain board	Dimensions (inches) of Sink Compartments (LxWxD)	Length (inches) of Clean Drain board	Pre Rinse Sprayer Yes/No
		X X		YES <input type="checkbox"/> NO <input type="checkbox"/>
		X X		YES <input type="checkbox"/> NO <input type="checkbox"/>
		X X		YES <input type="checkbox"/> NO <input type="checkbox"/>

Note: Warewashing sinks must be large enough to accommodate the largest piece of equipment or utensils used.

Mechanical - Provide make and model numbers and attach specification sheets for each warewashing machine by completing the table below.

Mechanical Warewashing Information							
Make	Model #	Sanitizing		Drain board Length (inches)	Pre-Rinse		Utensil Soak Sink Dimensions (inches) (LxWxD)
		Heat	Chemical		Yes	No	
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	X X
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	X X
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	X X

Dirty Dishes:
Where will dirty dishes be stored prior to cleaning?
How will they be rinsed before putting them into the machine?



Utensils:

Food will be primarily served on:	Multi-use tableware <input type="checkbox"/>	Single-Service Tableware <input type="checkbox"/>	Both <input type="checkbox"/>
-----------------------------------	--	---	-------------------------------

Booster Heater:

Is a separate booster heater provided?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
--	------------------------------	-----------------------------

Water Heater - Provide type and capacity of all water heaters.

Water Heater:

Type (Ex: Standard, Quick Recovery, Tankless)	Capacity

Provide the number of plumbing fixtures requiring hot water in the table below. This information will be used to determine the hot water demand within the establishment and sizing criteria for the water heater.

Plumbing Fixtures Requiring Hot Water	Number of Fixtures throughout establishment
3-compartment sinks	
Warewashing machines	
Pre-rinse sprayers	
Utensil soak sinks	
Hand sinks include restrooms	
Mop sinks/Utility sinks	
Garbage can washer	
Showers	
Hose bibs used for cleaning	
Other:	
Other:	
Other:	

Section 3 – Mechanical

MECHANICAL VENTILATION PLANS AND SCHEDULES:

- A. Provide plans and schedules that indicate the location and specifications of ventilation hoods, fire suppression systems (as required by state or local fire authority), and restroom exhaust fans. The ventilation schedule shall include exhaust capacities in cubic feet per minute (CFM) for all kitchen hoods and exhaust fans. Indicate the volume of outside air each roof top and make up air unit will supply into the building. *(new construction)*
- B. Provide make and model numbers or shop drawings for each ventilation hood and exhaust fan in table below. *(all existing and new construction)*



Ventilation Information		
ID # on Plans or Location	Make	Model

Section 4 – Electrical (new construction)

ELECTRICAL PLANS AND SCHEDULES:

A. Provide plans and schedules that indicate the locations and specifications of all lights.

Note: All lights in kitchen areas, dry storage areas, dishwashing areas, inside equipment, and above areas where open foods are held or displayed must be equipped with shatter proof bulbs or shields that will protect open food, utensils and single use items from broken glass if a bulb is broken.

Section 5 - Site Plan

SITE PLAN:

A. Submit a site plan which includes the following:

- 1) Dumpster enclosures and trash compactors
- 2) Outside walk-in coolers/freezers
- 3) Outside food storage areas
- 4) Location of well heads and well water supply lines servicing the building (if applicable).
- 5) Location of on-site liquid waste treatment systems and associated lines servicing the building (if applicable)
- 6) Grease interceptors/grease traps (if applicable)
- 7) Submit piping diagram of the disinfection system. Include size of holding tank(s), pressure tank(s), make and model number of treatment system, etc.

Sewage Disposal:
Select the type of sewage disposal system that services the establishment
<input type="checkbox"/> Public - Name of municipality:
<input type="checkbox"/> On-site liquid waste system – Permit number:

Water Availability:
I acknowledge and understand that running water is required at <u>ALL</u> times and agree to discontinue all food-related activities, if water is not available, until water service is restored or an alternative plan is approved by NMED.
Signature:



Pest Control Program:
Describe and/or attach pest control program:

Section 7 – Food Handling

FOOD HANDLING PROCEDURES:

- A. Submit menus, such as breakfast, lunch and dinner menus.
- B. If available, submit Standard Operating Procedures and/or Food Handling Procedure Manuals that describe food preparation procedures and complete tables below.

Reduced Oxygen Packaging:		
Will reduced oxygen packaging or specialized processes, as outlined in Section 3-502.11 <i>Variance Requirement</i> or 3-502.12 <i>Reduced Oxygen Packaging Without a Variance, Criteria</i> of the <i>Food Code</i> , be conducted?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If yes, further information and documentation will be required. One or more of the following items may be required: HACCP Plan, variance, scheduled process, and/or equipment specifications. Please contact NMED to discuss these requirements further.		

Monitoring Food Temperatures:	
Describe how the temperature of foods will be monitored. Provide the frequency of temperature checks and what foods and/or equipment will be monitored. If logs or other types of documentation will be used to help manage proper food temperatures, please attach copies:	
List temperature monitoring devices (thermometers, thermocouples, data loggers, infrared devices):	



Cooling Cooked Foods:

Will cooked foods be cooled?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
------------------------------	------------------------------	-----------------------------

What methods will be used to rapidly cool cooked foods to 41°F (5°C) or below? Check all that apply. (Reference 3-501.14 *Cooling* and 305.15 *Cooling Methods* in the *Food Code*.)

- | | | |
|--|---|--|
| <input type="checkbox"/> Under refrigeration | <input type="checkbox"/> Stirring the food in a container placed in an ice water bath | <input type="checkbox"/> Adding ice as an ingredient |
| <input type="checkbox"/> Rapid cooling equipment (ex: blast chiller) | <input type="checkbox"/> Shallow pans | <input type="checkbox"/> Separating food into smaller portions |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Using containers that facilitate heat transfer | |

List the foods that will require rapid cooling. Include foods that are made from scratch such as soups, sauces, potato salad, pastas, chili, noodles, roasts, casseroles, sausages, yogurts, etc.

Reheating Food:

Will foods be reheated and then held hot before being served?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
---	------------------------------	-----------------------------

If yes, please explain how they will be rapidly reheated to above 165°F (74°C) according to Reference 3-403.11 *Reheating for Hot Holding*, in the *Food Code*.

List the equipment that will be used for reheating:

Refrigeration:

Will raw meats, poultry, or seafood be stored/displayed in the same refrigerators and freezers with cooked and/or ready-to-eat foods?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
---	------------------------------	-----------------------------



Thawing Food:		
Will frozen food will be thawed?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
What methods will be used to thaw foods? Check all that apply. (Reference 3-501.13 <i>Thawing</i> , in the <i>Food Code</i> .)		
Under refrigeration <input type="checkbox"/>	Under running water <input type="checkbox"/>	In a microwave <input type="checkbox"/>
As part of the cooking process <input type="checkbox"/>	Other <input type="checkbox"/>	

Food transportation:		
Will catering be conducted?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Will food be transported or delivered to another location?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If yes, please list the equipment that will be used to maintain food at proper temperatures during transport and onsite. Attach equipment specification sheets.		
TYPE OF UNIT		# OF UNITS

Dining area:		
Will foods be prepared tableside in dining areas?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If yes, please list the foods that are intended for tableside preparation:		
Will a salad bar, buffet line, omelet station, sauté station, carving station, beverage bar or customer self service areas be operated?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If yes, describe:		



Produce:		
Will produce be washed?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If yes, explain where?		
If not, will produce be received pre-washed?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Selling to Other Retail Food Establishments:		
Will the establishment prepare foods that will be sold to other retail food establishments? (If yes, please complete section 9)	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Bare Hand Contact:		
How will bare hand contact with ready-to-eat foods be avoided during preparation? Check all that apply. (Reference 3-301.11 <i>Preventing Contamination from Hands</i> , in the <i>Food Code</i> .)		
Utensils <input type="checkbox"/>	Gloves <input type="checkbox"/>	Deli Tissue <input type="checkbox"/>
Dispensing equipment <input type="checkbox"/>	Other <input type="checkbox"/>	

Employee Health:		
Describe how food employees will report illness information to the person in charge (Reference 2-201.11 <i>Responsibility of Permit Holder, Person in Charge, and Conditional Employee</i> , in the <i>Food Code</i> .)		
Is there a written policy to exclude or restrict food workers who are sick or have infected cuts and lesions? (Reference 2-201.12 <i>Exclusions and Restrictions</i> and 2-201.13 <i>Removal, Adjustment, or Retention of Exclusions and Restrictions</i> , in the <i>Food Code</i> .)	YES <input type="checkbox"/> If yes, please attach.	NO <input type="checkbox"/>
If no, please describe.		

Helpful Resources

Employee Health and Personal Hygiene Handbook:

<http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/IndustryandRegulatoryAssistanceandTrainingResources/ucm113827.htm>

Employee Illness Flow Chart: Refer to <https://www.env.nm.gov/fod/Food Program> (Exclude and restrict employees from food handling).



Section 8 – Mobile Food Establishments

MOBILE FOOD ESTABLISHMENT:

- A. Submit Proof of MVD registration
- B. Submit Servicing area agreement (if applicable) NMAC 7.6.2.9.J(1)(a).

Mobile Unit and Servicing Area Information		
Servicing area shall have a current NMED Permit		
Mobile Unit Storage Location during non-operating hours		
Street Address:		Phone:
City:		Cell:
State/Zip:		
Servicing Area Business Name:		Phone:
Street Address:		Cell:
City:		Fax:
State/Zip:	Email:	
NMED Permit number:		
Servicing Area Contact Name:		
Phone:	Cell:	Email:
Attach Servicing Area Agreement – must include days, hours, and support services.		

Servicing Area Agreement:
Prior to discontinuing use of a Servicing Area, the operator shall provide a revised agreement for a new Servicing Area. Mobile Food Establishments shall not operate prior to the approval of a new Servicing Area.
Signature:

Mobile Support Unit:		
Is a mobile support unit used?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If yes, please list all the units and NMED permit numbers:		

Mobile Unit:	
Location of potable water source:	Location of liquid waste disposal:



Identification of Multiple Mobile Units:

Describe the identification system used to distinguish multiple mobile units:

Toilet Facilities:

I acknowledge and understand the Mobile Food Establishment shall be operated within 200 feet of toilet facilities as specified in Sections 5-203.11 *Handwashing Sinks* and 5-203.12 *Toilets and Urinals* of the Food Code whenever the unit is stopped to operate for more than a two (2) hour period.

Signature:

Section 9 - Food Processing Plant

FOOD PROCESSING ESTABLISHMENT:

- A. Submit list of processed food.
- B. Submit a Food Processing Plant Operational Plan for each product. Refer to checklist below for requirements:

Food Processing Establishment Operational Plan Checklist

Operational Plan includes the product formulation, production steps, safety requirements, distribution, labeling, and Recall procedures of a Food product that will be implemented by a Food Establishment or Food Processing Plant when processing Packaged Food

Food products or types of production methods may be grouped together, if the Food Hazard, Critical Control Points, Critical Limits, and procedures required are essentially identical. The grouping of operational plans together shall be approved by the Regulatory Authority

Product information:

1	Name of product
2	Names of the ingredients, listed in order by weight (largest quantity first)
3	Final product pH (if applicable).
4	Final product water activity (a_w) (if applicable)
5	Names of any preservatives (if none, write none)
6	The type of packaging to be used and whether the packaging is integral to product stability (e.g. the vacuum packing of fresh meat)
7	Expected shelf life of the product
8	Detailed instructions concerning preparation requirements for consumers.
9	Detailed description of the proposed product coding system.

Product distribution:

10	Intended distribution (ex: restaurant, grocery store) and/or interstate locations
11	Temperature requirements during distribution (ambient, refrigerated, frozen temperature, etc.)
12	Mishandling possibilities by consumers



<i>Product Process:</i>	
13	A flow chart, identifying Critical Control Points and illustrating product formulation beginning with receiving incoming ingredients and continuing to final product distribution
<i>Product Labels:</i>	
14	Submit product labels that comply with all requirements of Title 21, Code of Federal Regulation, Part 101 or Title 9 and NMAC 7.6.2.11.C. Attach actual size sample label
<i>Recall:</i>	
15	<p>Attach a description of the firm's written product recall procedure</p> <ul style="list-style-type: none"> • Procedures for identifying, and subsequently verifying, products which may be injurious to human health • A plan for recalling products which may be injurious to human health, including alerting consumers and businesses, collecting, warehousing, and rework or disposal of products • A method of determining the effectiveness of Recalls • A list of governmental agencies, including the Regulatory Authority, that will be notified concerning recalls
<i>HACCP:</i>	
16	<ul style="list-style-type: none"> • List all Food Hazards that are reasonably likely to occur and must be controlled for each product type • List the Critical Control Points for each of the identified Food Hazards that is reasonably likely to occur, including as appropriate • List the Critical Limits that shall be met at each of the Critical Control Points • List the procedures, and the frequency with which they are to be performed, that will be used to monitor each of the Critical Control Points to ensure compliance with the Critical Limits • Include any Corrective Action plans that have been developed and will be followed in response to deviations from critical limits at Critical Control Points • List the Validation and Verification procedures, and the frequency with which they are to be performed. • Describe the recordkeeping system to document the monitoring of the Critical Control Points. • Any additional scientific data or information supporting the determination that food safety is not compromised by the proposal



SSOP:	
17	<ul style="list-style-type: none"> • Sanitation Controls - Provide the Sanitation Standard Operating Procedures (SSOPs) that addresses sanitation conditions and practices before, during, and after processing <ul style="list-style-type: none"> ○ Safety of the water that comes into contact with Food or food-contact surfaces or that is used in the manufacture of ice; ○ Condition and cleanliness of food-contact surfaces, including utensils, gloves, and outer garments; ○ Prevention of cross contamination from insanitary objects to Food, food-packaging material, and other food-contact surfaces, including utensils, gloves, and outer garments, and from raw product to processed product; ○ Maintenance of hand washing, hand sanitizing, and toilet facilities; ○ Protection of Food, food-packaging material, and food-contact surfaces from adulteration with lubricants, fuel, pesticides, cleaning compounds, sanitizing agents, condensate, and other chemical, physical, and biological contaminants; ○ Proper labeling, storage, and use of toxic compounds; ○ Control of Employee health conditions that could result in the microbiological contamination of Food, food-packaging materials, and food-contact surfaces; and ○ Exclusion of pests from the Food Processing Plant • Monitoring - Describe how the Food Processing Plants shall monitor the conditions and practices during processing with sufficient frequency to ensure, at a minimum, conformance with those conditions and practices specified in the SSOPs are being met. • Records - Describe how the Food Processing Plants shall maintain SSOPs records that, at a minimum, document the monitoring and corrections
Additional Jerky Processing Requirements	
18	Proposed equipment to measure and monitoring food safety factors related to production of jerky (example temperature and/or relative humidity)
19	Copies of proposed monitoring records
20	Documentation confirming a final water activity below 0.85 based upon the submitted operational procedure



FDA or USDA Registration:		
<i>Did you register with FDA or USDA?</i>		
The FDA Food Safety Modernization Act (FSMA), enacted on January 4, 2011, amended section 415 of the Federal Food, Drug, and Cosmetic Act (FD&C Act), in relevant part, to require that facilities engaged in manufacturing, processing, packing, or holding food for consumption in the United States submit additional registration information to FDA, including an assurance that FDA will be permitted to inspect the facility at the times and in the manner permitted by the FD&C Act. Section 415 of the FD&C Act, as amended by FSMA, also requires food facilities required to register with FDA to renew such registrations every other year, and provides FDA with authority to suspend the registration of a food facility in certain circumstances.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>Low-acid canned Foods and Acidified Foods Processors</i> A commercial processor, when first engaging in the manufacture, processing, or packing of acidified foods (AF) or low-acid canned Foods (LACF) shall register and file with FDA. Registration and processing information forms are obtainable on request from: Food and Drug Administration, LACF Registration Coordinator (HFF-233), 200-C Street, SW, Washington, D.C. 20204	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>Meat and Poultry Processors</i> Meat, poultry products, or Siluriformes (ex: catfish) inspected by USDA-FSIS or exempted.	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Section 10 - Administrative

Other NMED Permits Held	
Name of Establishment	Permit #

CERTIFIED MANAGER CERTIFICATE:

- A. Submit Certified Manager Certificate

RETAIL PACKAGED LABELS:

- A. If food is prepared and prepackaged at the food establishment, submit retail packaged labels that comply with all requirements of Title 21, Code of Federal Regulation, Part 101 or Title 9 and NMAC 7.6.2.11.C. Attach actual size sample label. (if applicable)

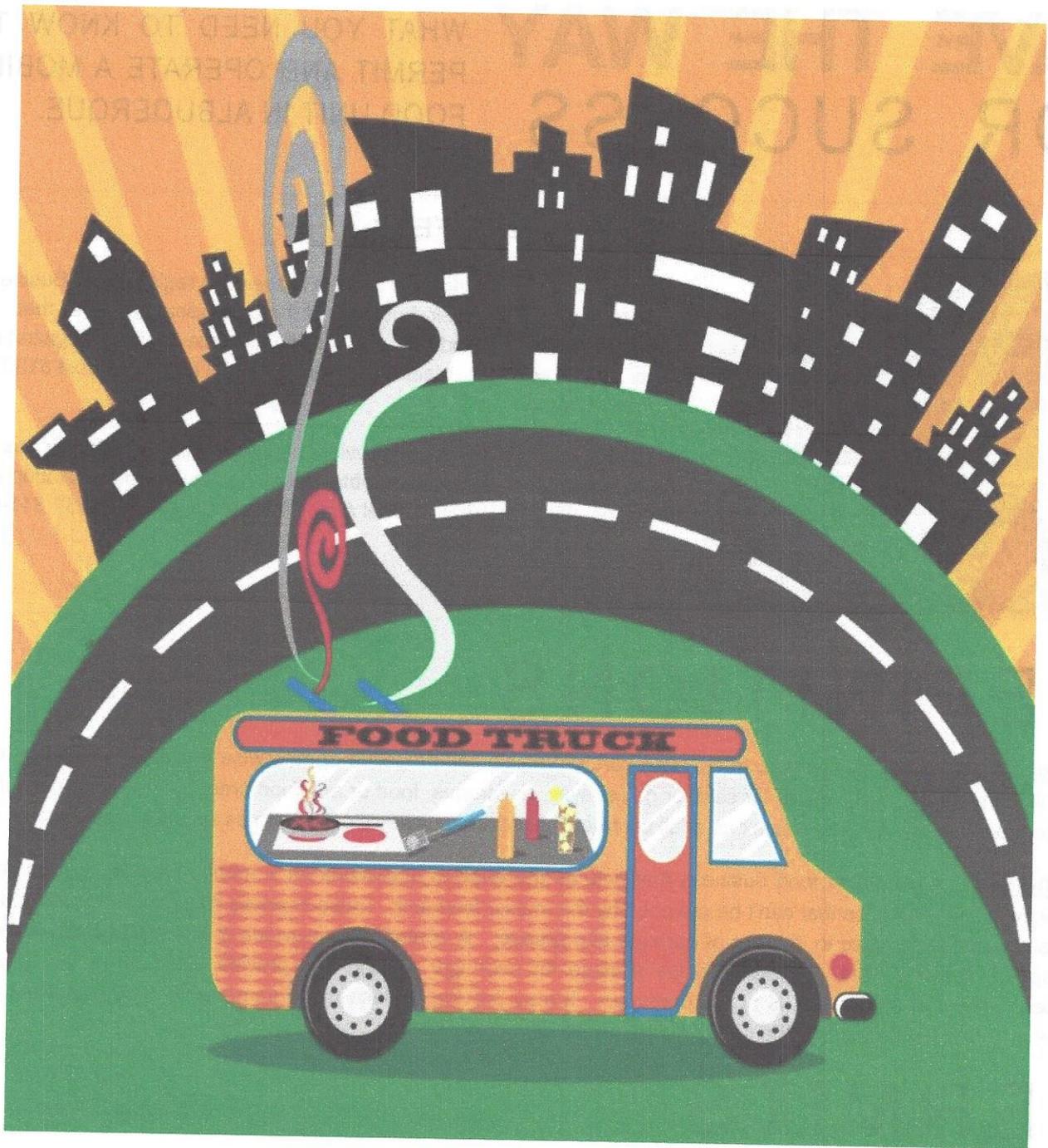


Section 11 – Signatures

Applicant's Signature Page	
Comments:	
STATEMENT: I hereby certify that the above information is correct, and I fully understand that any deviation from the above without prior permission from the State of New Mexico Environment Department may nullify final approval. I agree to comply with 7.6.2 NMAC -- Food Service And Food Processing Regulations and allow the regulatory authority access to the establishment and records.	
Applicant or responsible representative(s) Signature / Title	Date
Applicant or responsible representative(s) Signature / Title	Date

Approval of these plans and specifications by the State of New Mexico Environment Department does not indicate compliance with any other code, law or regulation that may be required--federal, state, or local. It further does not constitute endorsement or acceptance of the completed establishment (structure or equipment). A pre-opening inspection of the establishment with equipment in place & operational will be necessary to determine if it complies with **7.6.2 NMAC -- Food Service And Food Processing Regulations**. After the pre-opening inspection is completed and an approval to open is given, the fee remittance will be required and accepted.

NMED Use Only		
Food Specialist Review Comments: (Food Processing Plant, Retail Packaged Food Labels, or as applicable)		
Signature:		Date:
Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	
Final reviewer's comments:		
Signature/Title:		Date:
Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	
Office	Establishment	
District:	Owner #:	
Field Office:	Permit #:	
Inspector:	Type:	
Review Date:	Date Opened:	Date Closed:



MOBILE FOOD

A GUIDE TO PERMITTING
IN ALBUQUERQUE



PAVE THE WAY FOR SUCCESS

WHAT YOU NEED TO KNOW TO
PERMIT AND OPERATE A MOBILE
FOOD UNIT IN ALBUQUERQUE.



PERMITS AND FEES

Mobile food units are required to have a business registration. Business owners must register their business at the commissary address that supports the mobile food unit. City of Albuquerque business registration costs \$35.00 per year. Health permits for mobile food units cost \$120.00 per year per unit.

Your inspector will ask you to provide a copy of your New Mexico Tax ID Registration form. This can be obtained at the New Mexico Taxation and Revenue office at 5301 Central Ave. NE in Albuquerque. (505) 841-6200

DEFINITIONS

Mobile Food Unit Any wagon, truck, push cart, or vehicle self-propelled or otherwise movable from place to place from which any person sells, offers for sale, or gives away, beverages, food or any food product for human consumption. A mobile food unit may be as complex as a full commercial kitchen on wheels or may be as simple as a push cart.

Commissary A permitted food business that acts as the base of operations for a mobile food unit. A commissary provides necessary facilities that can't be provided by the mobile food unit. These services include storage of food, paper goods and supplies, a place to dispose of garbage and grease. A commissary provides a place to fill fresh water tanks and dispose of waste water. It may provide a place for overnight parking and provide electrical outlets to support equipment when the mobile unit is not in operation. It may provide a place to do some or all food preparation. The services provided will depend on the needs of the mobile food unit.

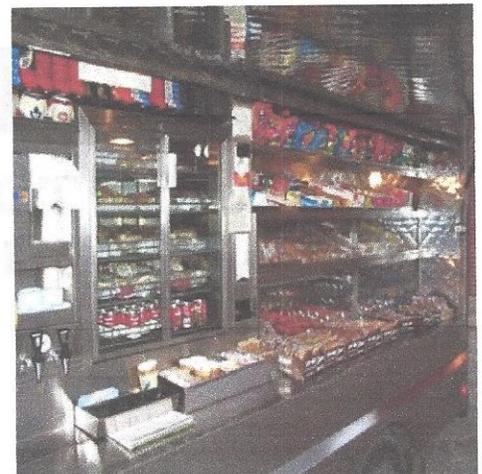
PERMITS

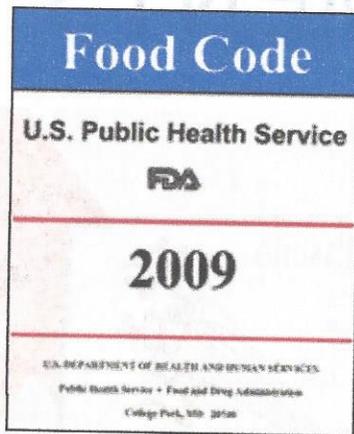
MOBILE FOOD UNIT – full service. A commercial kitchen on wheels.

PUSH CARTS This category also includes bicycle carts and ice cream carts.

MOBILE FOOD UNIT - other This type falls in between the other two categories. Cooking is not done on board the vehicle. A truck selling pre-made burritos or sandwiches falls into this category.

Fees are the same for all categories of Mobile Food permits.





KNOW YOUR FOOD CODES

Mobile food businesses are regulated by the City Of Albuquerque Food Sanitation Ordinance. The Food Sanitation Ordinance refers to the 2009 FDA Food Code as a scientific guidance document. Both documents contain requirements that effect your business operation. Links to these documents can be found on the City web site www.cabq.gov and are available in the City Clerks Office.

SAFE FOOD

ALL HOMEMADE FOODS ARE PROHIBITED.

Food prepared or stored at home may not be sold from your mobile unit. All ingredients must come from permitted food vendors, such as food distributors and grocery stores. Ask to see your suppliers health permit if you are unsure.

TEMPERATURES

USE YOUR THERMOMETER.

Cold food must be 41 degrees F or colder. Hot food must be 135 degrees F or hotter during hot holding. Reheat prepared foods to at least 165 degrees F. Use your calibrated thermometer to check food temperatures. Always check temperatures with your thermometer and maintain safe food temperatures.



CONSUMER ADVISORY

Consuming raw or undercooked meat, eggs, poultry or seafood increases your risk of contracting a foodborne illness – especially if you have certain medical conditions.

— (Mandatory) 2009 FDC 11.2001 FOR FOOD CODE



Powered by the City of Albuquerque
Department of Health Services
2009 Health Protection Division
www.cabq.gov/departmentofhealthservices

You should note that food items that are undercooked in any manner, like ceviche , rare or medium rare hamburgers and eggs with runny yolks require a consumer advisory like the one above. The advisory must be posted on your menu or in a conspicuous location on your unit.

HAND WASHING

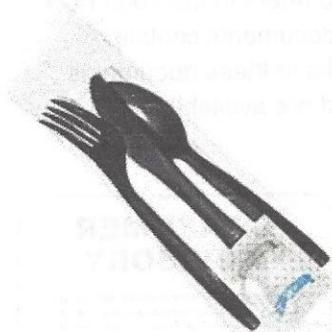
WHEN TO WASH:

- after touching your body
- before changing your gloves
- after using the rest room
- after coughing, sneezing, blowing your nose
- after eating, drinking or smoking, and after handling soiled equipment
- when switching between handling raw food and ready to eat food
- after any activity that might contaminate your hands and as often as necessary to prevent cross contamination when preparing foods

GENERAL REQUIREMENTS

SIGNAGE

The name and address of the business must be permanently displayed on both sides of the mobile unit in letters at least 3 inches tall and 1/2 inch wide. Your permit sticker must be clearly displayed and the permit to operate must be kept on board at all times.



PLAN REVIEW

Before you build a mobile food unit, please bring a copy of your menu and a equipment layout drawing to the Environmental Health Plan Review Office for review. If you are buying an existing mobile food unit, please contact the office prior to finalizing your purchase to make sure that the unit you are buying will pass inspection. Call the Environmental Health Plan Review Office at (505) 924-3623 to schedule an appointment.

EQUIPMENT REQUIREMENTS

Your menu determines the equipment that is required. If you are handling unwrapped food, a hand wash sink is required with hot and cold water, soap and disposable towels available. Residential equipment is not allowed in your commercial business. Equipment must be certified by an ANSI (American National Standards Institute) accredited certification program such as NSF or equivalent.

If you will need to wash any equipment on board the vehicle, a three compartment sink with two 18 inch drain boards is required.

Fresh water tanks must be sloped to drain. Inlets must be covered to protect from road dust and other contamination. Waste water tanks must be at least 15% larger than fresh water tanks.

If your menu requires a stove, griddle or other cooking equipment that creates open flames or grease laden vapors, a commercial type 1 exhaust hood with a fire suppression system is required.



DAILY REQUIREMENTS

AND OTHER THINGS YOU NEED TO KNOW



Your mobile food unit must report to the commissary daily.

Health permits are not transferable.

If you sell the business to a new owner, they must obtain a new permit. If you change commissary locations, you must obtain a new health permit. If you change your mailing address or your phone number, please let us know. If we can't locate your business



for inspection, your health permit may be placed out of business.

CLEAN AND SANITIZE

Mobile Food Units preparing food on board must have a three compartment sink. A separate compartment is needed for each step in the ware washing process: WASHING, RINSING AND SANITIZING.

Approved sanitizers include **chlorine, quaternary ammonia and iodine**. Follow the instructions on the label for proper dilution of quaternary ammonia. Chlorine bleach is the most commonly used sanitizer. Chlorine bleach should be diluted to between 50—100 ppm chlorine. This is done by mixing about 1 tsp. bleach per gallon of water. Verify the concentration with test strips. An approved sanitizer and test strips must be kept on board your mobile unit at all times.



ILLNESSES

We all get sick sometimes, plan ahead to keep your business healthy.

You need to know when you or your employees are too sick to work.

An employee must report the following symptoms to the person in charge:

- **Vomiting**
- **Diarrhea**
- **Jaundice**
- **Sore throat with fever**
- **An infected wound or lesion on the hands or wrist.**

PERMITS

PUSH CARTS—All permits must be renewed each year. Arrangements for inspections, renewals, or change of ownership shall be made by calling Consumer Health Protection at 311 in Albuquerque. Permits are NOT transferable and each cart must be licensed separately.

MOBILE FOOD UNITS—

- Mobile Food Units will display a green “APPROVED” sticker in a visible window on the truck.
- Pushcarts display a yellow date sticker.
- All permits must be renewed each year.

The Consumer Health Protection Office is open Monday to Friday 8am to 5pm.

PLEASE NOTE THAT PRE-OPENING INSPECTIONS ARE ONLY CONDUCTED BY APPOINTMENT.

Pre-opening inspections will be done at your commissary.

Call (505) 768-2638 for information and to set up an inspection time.

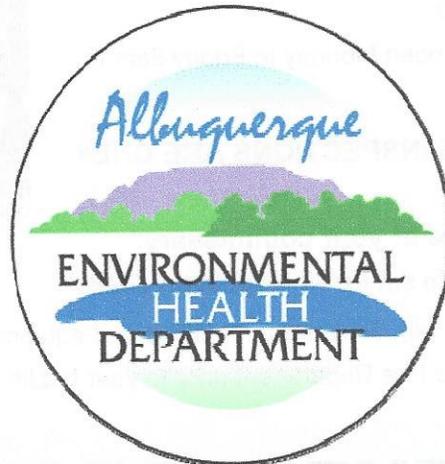
The mobile unit must be fully operational, with all water tanks filled and equipment functional. All mobile food units except push carts must be inspected by the Fire Department prior to your health inspection.



FIRE DEPARTMENT REQUIREMENTS

(505) 764-6300

- All mobile food vendors must have a 2A10BC portable fire extinguisher mounted in a conspicuous place in the kitchen area. IFC906.1
- Mobile food vendors with portable generators must have a 3A40BC portable fire extinguisher in addition to the other fire extinguishers IFC906.1
- All mobile food vendors that produce grease laden vapors must have a class K portable fire extinguisher within the kitchen area IFC904.11.G
- All portable fire extinguishers must be serviced and inspected annually. They must have tags proving that they were serviced. NFPA10
- If the vendor produces any grease laden vapors (pan frying, deep-fat frying, using the griddle, etc.) a type 1 hood must be installed. NFPA96
- All type 1 hood systems must have a pre-engineered hood suppression system that meets NFPA17 standards. When a pre-engineered dry chemical system can't be installed or serviced annually, the suppression system must be upgraded to a UL300 suppression system. NFPA179.9
- The hood suppression system must be serviced and inspected every 6 months. NFPA96.8
- All of the cooking appliances producing grease laden vapors must be under a type 1 hood. No part of the appliances can extend beyond the outer lip of the hood. IFC610.1
- All deep-fat fryers must have a steel baffle between the fryer and surface flames of an adjacent appliance. The baffle must be 8 inches in height. NFPA96.13
- L.P. Gas containers shall be located outside. Safety release valves shall be pointed away from the unit. NFPA58 AND 54
- Any hose used to pipe L.P. Gas to a device shall be UL or FM listed specifically for LP Gas service. All couplings, fittings, and any other devices shall meet the requirements for LP Gas Service as outlined in the International Fuel Gas Code, NFPA 58 and 54, or be deemed unapproved and removed from service.
- All Mobile Units with propane shall post a NO SMOKING sign next to the propane bottle. KFC3807.2



Consumer Health Protection Division

Albuquerque Environmental Health Department
One Civic Plaza NW
3rd Floor, Room 3023
Albuquerque, New Mexico 87103

Telephone: 311

Fax: 505.768.2698

Email: lstoller@cabq.gov

Lorie Stoller, Environmental Health Manager

Angel Fire, NM

3-5-1: ITINERANT VENDORS:

A. Definitions:

CONVEYANCE: Includes any public or privately owned vehicle, method or means of transporting people, bicycle, motorized or nonmotorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels and approved by the planning director.

GOODS, WARES AND MERCHANDISE: Shall include, but not be limited to: fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, artwork, cosmetics and beauty aids, health products, household needs and furnishings, firewood, **food** of any kind, whether or not for immediate consumption, confections or drinks.

ITINERANT **VENDOR:** Any person, firm, corporation, partnership or association who does not live within the community of Angel Fire that does not regularly conduct business within the village, who sells merchandise of any character, whether the delivery is made by them or not, or who shall on a transient or temporary basis bring into the village and engage in the sale of services, stocks of goods, wares or merchandise, including, but not limited to, fruits or vegetables, firewood, farm or garden produce of their own raising, or someone else's, or vehicles for hire, and offer the same to the public.

NONPROFIT ORGANIZATIONS: A 501(c)(3) or (c)(6) tax exempt organization as defined by the internal revenue service. Nationally recognized youth oriented organizations, such as, but not limited to: Girl Scouts, Boy Scouts, 4-H clubs, public safety organizations, nationally recognized religious organizations, youth organizations, and the chamber of commerce are considered as nonprofit organizations.

PREPARED **FOOD **VENDOR**:** Any person who holds a valid **food** handler's certificate and who goes from place to place selling prepared or precooked **food** for human consumption from a vehicle, pushcart or portable container.

VENDING STAND: Any showcase, table, bench, rack, handcart, pushcart, stall, canopy or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any **food**, beverages, goods, wares or merchandise upon private property not to exceed ten feet by twenty feet (10' x 20') in area and approved by the planning director. (Ord. 2005-02, 2-17-2005; amd. Ord. 2011-05, 6-14-2011)

B. License Fees And Exemptions:

1. Fee: For a village itinerant **vendor**'s license, a twenty five dollar (\$25.00) per day fee is required.
2. Exemptions:

- a. Wholesale persons taking orders for merchandise to be delivered to retail dealers for resale.
- b. Nonprofit organizations.
- c. Events sponsored by the Angel Fire Community Center.
- d. Newspaper vending.
- e. Garage sales.
- f. A local merchant holding a current village business license may offer itinerant vending of items for sale either at his or her place of business or elsewhere when money for all the merchandise sold by the itinerant **vendor** is received through the merchant's regular business receipts, recording each sale.

C. Information Required: Before the planning division shall issue an itinerant **vendor**'s license, the itinerant **vendor** shall supply the following information:

- 1. Name of business.
- 2. Mailing address of **vendor** or business physical address if different from mailing address.
- 3. Name of owners of the business indicating whether the business is a sole proprietorship, a partnership or a corporation.
- 4. The nature of the business. (Ord. 2005-02, 2-17-2005)
- 5. a. The number of days during which a temporary business shall be conducted in the village, the dates for which application is made, and period of time, not to exceed four (4) days per calendar month, for which an itinerant **vendor**'s license is sought.
- b. The number of days during which a seasonal business shall be conducted in the village, the dates for which application is made, and period of time, not to exceed four (4) months per calendar year, for which a business registration is required in addition to an application fee of fifty dollars (\$50.00). (Ord. 2011-05, 6-14-2011)
- 6. State of New Mexico tax identification number or evidence of an application for a current revenue division taxpayer identification number and the state of New Mexico professional license number, i.e., contractor license, if applicable. For **food** vending, proof of license by the state authorities.
- 7. A drawing of sign advertising the itinerant business attached to application. (Only 1 sign no larger than 3 feet by 8 feet in size is approved with the license. The sign must be in accordance with the village sign ordinance¹.)
- 8. A letter from the property owner, at the location intended for use by the **vendor**, indicating the owner's permission and proof of ownership of the property by the owner.

9. A drawing showing the approximate location where the vending will take place in relation to the property involved. (Ord. 2005-02, 2-17-2005)

D. For Profit Business: A for profit business which is for the purpose of permitting itinerant vendors to sell goods, wares and merchandise in vending stands such as a flea market, shall follow all the business licensing and zoning requirements, and each itinerant vendor must obtain an itinerant vendor's license. (Ord. 2011-05, 6-14-2011)

E. Nonprofit Organizations:

1. Nonprofit organizations attempting to raise funds for the direct benefit of the organization program, such as, but not limited to: any youth oriented organizations, i.e., Girl Scouts, Boy Scouts, 4-H clubs; public safety organizations, religious organizations, and the chamber of commerce, whose purpose is for the benefit of the Angel Fire community, must obtain a business license from the village, at no cost, prior to conducting business within the municipal boundaries.
2. For nonprofit organizations sponsoring events such as, but not limited to, arts and crafts shows, flea markets, farmer markets and wine and cheese tasting events, the itinerant vendors taking part are not required to be licensed under this chapter.
3. The vendors shall obey all village, county and state laws as they may apply to zoning, signs or banners, unreasonable noise and other such requirements. (Ord. 2005-02, 2-17-2005)

F. Permitted Locations: Temporary businesses and seasonal businesses shall only be allowed in the C-1, C-2, O-1, O-2, O-4, and O-5 zoning districts.

G. Prohibited Locations:

1. Other than garage sales and home occupational businesses as defined in this code, no temporary businesses, seasonal businesses, and door to door sales shall be permitted in the R-1, R-2, R-3, R-4, R-5, and R-6 zoning districts.
2. No vendor shall be permitted to operate in the following areas:
 - a. Within fifteen feet (15') of any street intersection or pedestrian crosswalk.
 - b. Within ten feet (10') of any driveway, loading zone or bus stop.
 - c. In any area within twenty feet (20') of a building entrance or exit or in the case of a hotel, within ten feet (10') of building entrances or exits.

- d. Within ten feet (10') of any fire hydrant, fire escape or any parking space or access ramp designated for persons with disabilities.

H. Issuance Of License:

1. Notice Of Issuance Or Denial: The applicant shall be notified, in writing, by the planning director of the village's decision to issue or deny the vending license within ten (10) working days after the applicant has filed a completed application with the planning division.
2. Contents Of License: Each license shall show the name and address of the licensee, the type of license issued, New Mexico tax ID number, the kind of goods, wares and merchandise to be sold, the amount of the license fee, the date of issuance, the license number, an identifying description of the method of conveyance and the vending stand, and the license expiration date.
3. Term Of License; Assignability, Transferability: All licenses issued under this section are valid for a time specific as determined by the planning director unless suspended or revoked by the planning director for noncompliance to any village, county, or state law. All licenses issued under this section are both nonassignable and nontransferable.
4. Display Of License: All licenses issued under this section shall be publicly displayed at the vending stand or on the method of conveyance. Any other licenses required by the state shall also be displayed in the same manner.
5. Hours Of Operations: **Vendor**s shall be allowed to engage in the business of vending only between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. MST. An extension to the hours of operation may be approved by the planning director for special events only. No vending stand, conveyance or other item related to the operation of a vending business shall be located on any village sidewalk or other public way during nonvending hours. Nor shall any vehicles be parked, stored or left overnight other than in a lawful parking place.

Exemption: Nonmotorized conveyance shall be allowed on public ways and spaces at Plaza del Sol.

6. Littering; Trash Removal:

- a. **Vendor**s shall keep the sidewalks, roadways and other spaces adjacent to their vending stand or locations clean and free of paper, peelings, debris and refuse of any kind generated from the operation of their businesses.
- b. Persons engaged in **food** vending shall affix to their vending stand a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter. (Ord. 2011-05, 6-14-2011)

5.04.015 Mobile business activity fee- Imposition.

In addition to the business registration fee, there is imposed an annual mobile business activity fee of one hundred dollars for each calendar year for those persons who engage in mobile business activity. The mobile business activity fee may not be prorated for mobile business activity that occurs only once in any calendar year and/or for only a limited number of days in any calendar year. (Ord. 508, 2013)

Add

5.04.016 Mobile food business activity fee – Imposition.

Definition

"Mobile food business" means

"**food truck**" is a large vehicle equipped to cook and sell **food**. Some, including ice cream **trucks**, sell frozen or prepackaged **food**; others have on-board kitchens and prepare **food** from scratch. Sandwiches, hamburgers, french fries, and other regional fast **food** fare is common.

**Village of Angel Fire
Itinerant Vendor Application**

An Itinerant vendor must submit application for license to the Community Development Department **at least one day prior to conducting business in the Village of Angel Fire**

1. Name: _____

2. Address: _____

_____ Phone# : _____

3. Name of Business: Individual ___ Partnership ___ Corporation ___

4. Nature of Business : _____

5. Number of Days Requested : ___ Dates Requested : _____ to _____

6. New Mexico CRS-1 Identification Number: _____

The following information must be attached with this form.

___ Drawing of the sign or signs to be placed on the premises. The dimensions of the sign or signs must be as follows: Temporary signs shall not exceed 5.5 sq. ft. and shall not require a sign permit.

___ Letter from property owner giving permission for vendor to use location.

___ Drawing showing location of booth, table or structure in relation to property.

Fees: \$25.00 Per Day (Not to exceed 4 days per calendar month)
\$200.00 Per Day for Special Events over 700 people Plus Itinerant Vendor fee of \$50.00
Per Day (Not to exceed 7 consecutive days)

Name of Business: _____

Signature of Owner: _____ Date: _____

Date Paid: _____ Check No.: _____ Amount Paid: _____

Signature of Director: _____ Date: _____

Title 5 BUSINESS LICENSES AND REGULATIONS

Title 5 BUSINESS LICENSES AND REGULATIONS

Chapter 5.04 - BUSINESS REGISTRATION

Chapter 5.08 - BUSINESS GROSS RECEIPTS TAX

Chapter 5.10 - SEXUALLY ORIENTED BUSINESSES

Chapter 5.12 - AMUSEMENT LICENSES

Chapter 5.16 - CREATE TELEVISION RATES

Chapter 5.20 - TEMPORARY VENDORS

Chapter 5.24 - JUNK YARDS AND JUNK DEALERS

Chapter 5.28 - MINING PERMITS AND REGULATIONS

Chapter 5.32 - PAWNBROKERS AND SECONDHAND DEALERS

Chapter 5.36 - SOLICITORS

Chapter 5.40 - TAXICABS

Chapter 5.44 - ALCOHOLIC BEVERAGES

Chapter 5.48 - STREETS AND SIDEWALKS SALES

Chapter 5.50 - SYNTHETIC INTOXICANTS

Chapter 5.04 BUSINESS REGISTRATION ^[1]

[5.04.010 Short title.](#)

[5.04.020 Definitions.](#)

[5.04.030 Imposition of business registration fee.](#)

[5.04.031 Imposition of mobile business activity fee.](#)

[5.04.040 Exemption.](#)

[5.04.050 Application to do business.](#)

[5.04.060 Renewal.](#)

[5.04.070 Late fee.](#)

[5.04.080 Required information.](#)

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[5.04.091 Transfer—Authority of holder's agents.](#)

[5.04.100 Enforcement.](#)

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Title 5 BUSINESS LICENSES AND REGULATIONS

5.04.010 Short title.

This chapter may be cited as the "Business Registration Ordinance." It is declared that the registration of each place of business conducted within the City as set out in this chapter and as authorized by Section 3-38-3 of the New Mexico Statutes Annotated is conducive to the promotion of the health and general welfare of the City.

(Ord. 930 (part), 2004)

5.04.020 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Engaging in business" means persons operating, conducting, doing, carrying on, causing to be carried on or pursuing any business, profession, occupation, trade or pursuit for the purpose of profit and who are required to obtain a State taxpayer identification number.

"Mobile business activity" means a person possessing a valid business registration engaging in business within the City but at a location which is not their place of business.

"Person" means any individual, male or female, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity engaging in a business, profession, occupation, trade or pursuit.

"Place of business" means a location where business is primarily conducted in a non-temporary structure within the City.

(Ord. 930 (part), 2004)

5.04.030 Imposition of business registration fee.

There is imposed on each place of business located in the City an annual business registration fee of twenty-five dollars (\$25.00) for each calendar year. The fee is imposed pursuant to Section 3-38-3 of the New Mexico Statutes Annotated as it now exists or is amended, and shall be known as the "business registration fee." Proof of place of business, as defined in this chapter, may be required by the City Clerk at the City Clerk's discretion as a condition of issuance of a business registration. The required proof may include production of a utility bill or a New Mexico driver's license. The business registration fee may not be prorated for business conducted for a portion of the year.

(Ord. 930 (part), 2004)

5.04.031 Imposition of mobile business activity fee.

In addition to the business registration fee, there is imposed an annual mobile business activity fee of one hundred dollars (\$100.00) for each calendar year for those persons who engage in mobile business activity. The mobile business activity fee may not be prorated for mobile business activity that occurs only once in any calendar year and/or for only a limited number of days in any calendar year.

Title 5 BUSINESS LICENSES AND REGULATIONS

(Ord. 930 (part), 2004)

5.04.040 Exemption.

No business registration fee or mobile business activity fee shall be imposed on any business which is licensed under City ordinance or otherwise exempted by law.

(Ord. 930 (part), 2004)

5.04.050 Application to do business.

All persons proposing to engage in business within the municipal limits of the City shall apply for and pay a business registration fee for each outlet, branch or location within the municipal limits of the City prior to engaging in business.

(Ord. 930 (part), 2004)

5.04.060 Renewal.

Prior to January 31st of each year, any person with a place of business in the City and subject to this chapter shall apply and pay the fee for renewal of business registration with the City Clerk.

(Ord. 930 (part), 2004)

5.04.070 Late fee.

There shall be imposed upon each delinquent registration fee a late fee in the amount of ten dollars (\$10.00) in the event a new business does not pay the registration fee before it commences business or the annual renewal fee is not paid prior to January 31st.

(Ord. 930 (part), 2004)

5.04.080 Required information.

Any person filing an application for issuance or renewal of any business registration shall include in the application a current taxpayer identification number or evidence of application for such current revenue division taxpayer identification number as issued by the revenue division of the State Department of Taxation and Revenue and any other information required by the City Clerk.

(Ord. 930 (part), 2004)

5.04.090 City Clerk to keep register.

The City Clerk shall keep a register in which shall be entered the date of each registration, the date of expiration of the registration, name of the person to whom such registration certificate has been issued and the amount of the fee paid therefor. It shall be the duty of the City Clerk to also issue, sign and deliver to the person paying the registration fee an appropriate receipt and a certificate of registration showing

Title 5 BUSINESS LICENSES AND REGULATIONS

date of registration, to whom issued, the date of expiration thereof, the purpose or occupation for which the certificate of registration was issued and the amount of the fee paid.

(Ord. 930 (part), 2004)

5.04.091 Transfer—Authority of holder's agents.

A business registration and mobile business activity license issued under this chapter shall not be transferable nor given to any person nor an employee or agent of the holder, the authority to conduct business pursuant to the business registration or mobile business activity license.

(Ord. 930 (part), 2004)

5.04.100 Enforcement.

This chapter may be enforced by appropriate legal or administrative action brought to prevent the conduct of business, restraining, correcting or abating the violation of this chapter, to prevent the occupancy of a building, structure or land on which the business is located, or to withhold the issuance of permits or inspections as appropriate.

(Ord. 930 (part), 2004)

5.04.110 Penalties.

Any person convicted of a violation of any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 930 (part), 2004)

FOOTNOTE(S):

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Note—Prior history: Prior code §§ 14-11—14-19, 21—21.1 and Ord. 899.[\(Back\)](#)

Chapter 5.08 BUSINESS GROSS RECEIPTS TAX

[5.08.010 Imposed.](#)

[5.08.020 Adoption of certain provisions of Gross Receipts and Compensating Tax Act.](#)

Title 5 BUSINESS LICENSES AND REGULATIONS

(Ord. 817 (part), 1994)

Chapter 5.20 TEMPORARY VENDORS

5.20.010 Definitions.

5.20.020 Required.

5.20.030 Application.

5.20.040 Fee.

5.20.050 Issuance.

5.20.060 Display.

5.20.070 Transfer—Authority of holder's agents.

5.20.080 Term.

5.20.090 Exemptions.

5.20.100 Fee to be in lieu of occupation tax.

5.20.110 Penalty.

5.20.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Temporary" means any such business transacted or conducted in the City for which definite arrangements have not been made for the hire, rental or lease of premises for a term of at least thirty (30) days in or upon which such business is to be operated or conducted.

"Temporary vendor" means all persons, as well as their agents or employees, who do not maintain a valid business registration with the City Clerk and who engage in the temporary or transient business in the City of selling, or offering for sale, any goods or merchandise, or exhibiting the same for sale or who for the purpose of taking orders for the sale thereof and who for the purpose of carrying on such business or conducting such exhibits, either hire, rent, lease or occupy any room or space in any building, tent, structure, motor vehicle or other enclosure in the City or any other place whether enclosed or not within the City, in, on, through or from which any goods or merchandise may be sold, offered for sale, or exhibited for sale for the purpose of taking orders for the sale thereof.

"Transient" means such business of any such temporary vendor as may be operated or conducted by persons or by their agents or employees who have their headquarters in places other than the City, or who move stocks of goods or merchandise or samples thereof into the City with the purpose or intention of removing them or the unsold portion thereof away from the City before the expiration of thirty (30) days.

(Ord. 931 (part), 2004)

5.20.020 Required.

It is unlawful for any temporary vendor to sell, offer for sale, exhibit for sale or exhibit for the purpose of taking orders for the sale thereof, any goods or merchandise in the City without first obtaining a license

Title 5 BUSINESS LICENSES AND REGULATIONS

therefor from the City. A person which falls within the definition of a temporary vendor as defined in this chapter shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or other person.

(Ord. 931 (part), 2004)

5.20.030 Application.

- A. Any person desiring a license required by this chapter shall make application therefor to the City Clerk at least five (5) days prior to the date of contemplated sale or exhibit in the City, which application shall be in the form of an affidavit stating the full name and address of the applicant, the location of his or her principal office and place of business, the applicant's current State Revenue Division taxpayer identification number or evidence of an application for the same, and such other information as the City Clerk finds necessary for the administration of this chapter. If the applicant is a corporation, the application shall give the names and addresses of its officers and, if a partnership, the partnership name and the names and addresses of all partners.
- B. The application shall be accompanied by a statement showing the kind and character of the goods or merchandise to be sold, offered for sale or exhibited.

(Ord. 931 (part), 2004)

5.20.040 Fee.

Before any license is issued under this chapter, the applicant therefor shall pay to the City Clerk a fee of five hundred dollars (\$500.00) which sum shall be compensation to the City for the services required of it by this chapter and to enable the City to partially defray the expenses of administering and enforcing the provisions of this chapter.

(Ord. 931 (part), 2004)

5.20.050 Issuance.

The City Clerk shall issue to any applicant a temporary vendor's license authorizing him or her to sell and exhibit for sale his or her goods and merchandise if such applicant has fully complied with all provisions of this chapter.

(Ord. 931 (part), 2004)

5.20.060 Display.

Each license issued under this chapter shall be prominently displayed in a conspicuous place on the premises where the sale or exhibit is being conducted and shall remain so displayed so long as any goods or merchandise are being sold or exhibited.

(Ord. 931 (part), 2004)

Title 5 BUSINESS LICENSES AND REGULATIONS

5.20.070 Transfer—Authority of holder's agents.

A license issued under this chapter shall not be transferable nor given to any promoter or vendor not listed in the application for the license authority to sell or exhibit goods or merchandise as a temporary vendor, either by agent or clerk or in any other way than his or her own proper person, but any person having obtained such a license may have the assistance of one (1) or more persons in conducting the sale or exhibit, who shall have authority to aid the principal, but not to act for or without him or her.

(Ord. 931 (part), 2004)

5.20.080 Term.

A temporary vendor's license issued under this chapter shall continue and be in force for a period not to exceed seven consecutive days for the sale of goods or merchandise between the hours of 8:00 a.m. and 8:00 p.m., which license shall expire at 8:00 p.m. on the seventh day. The fee required shall not be prorated or refunded.

(Ord. 931 (part), 2004)

5.20.090 Exemptions.

This chapter shall not be applicable to:

- A. Ordinary commercial travelers who sell or exhibit for sale goods or merchandise to parties engaged in the business of buying, selling or utilizing such goods or merchandise;
- B. Vendors of farm produce, poultry, stock or agricultural products in their natural state, including Christmas trees;
- C. Sale of goods or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose;
- D. Hobby shows, including but not limited to gun, coin, rock, stamp and mineral shows, where such shows are sponsored by or associated with the corresponding local hobby organization;
- E. A person holding a valid business registration under Chapter 5.04, whose principal place of business is within the City, and who is subject to the business gross receipts tax under Chapter 5.08.

(Ord. 931 (part), 2004)

5.20.100 Fee to be in lieu of occupation tax.

The license fee assessed in Section 5.20.050 shall be in lieu of, and shall excuse such temporary vendor from the payment of, any other license, occupation fees or taxes.

(Ord. 931 (part), 2004)

Title 5 BUSINESS LICENSES AND REGULATIONS

5.20.110 Penalty.

Anyone found guilty of violating the provisions of this chapter shall be punished by a fine of up to five hundred dollars (\$500.00) or imprisonment of up to ninety (90) days, or by both such fine and imprisonment.

(Ord. 931 (part), 2004)

Chapter 5.24 JUNK YARDS AND JUNK DEALERS

5.24.010 Definitions.

5.24.020 Junk yards—Formal consent of City Commission required for operation.

5.24.030 Junkyards—Enclosure—Maintenance.

5.24.040 Junk dealers—Compliance with chapter.

5.24.050 Junk dealers—Records—Generally.

5.24.060 Junk dealers—Records—Filing with Chief of Police and county sheriff's office—Maintenance and retention on business premises.

5.24.070 Purchases from persons under eighteen.

5.24.080 Signed statements from sellers.

5.24.090 Hazardous accumulations.

5.24.100 Violations—Penalties.

5.24.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Junk dealers" means all persons engaged in the business of purchasing or selling secondhand or cast off material of any kind, commonly known as "junk," such as old iron, copper, lead, zinc, tin, steel and other metals, metallic cables, wires, ropes, cords, babbing, rags, rubber, paper and other materials.

"Junk yard" in addition to its generally accepted meaning, shall be defined as any lot, block or area within the City limits wherein worn-out or discarded material, in general, is kept, stored or maintained for the purpose of storage, salvage or resale.

(Prior code § 13-1)

5.24.020 Junk yards—Formal consent of City Commission required for operation.

It is unlawful for any person to operate or maintain a junk yard within the City limits, unless and until such person has secured the consent of the City Commission expressed by a formal resolution duly adopted.

(Prior code § 13-2)

Title 5 BUSINESS LICENSES AND REGULATIONS

5.32.070 Violations—Penalties.

Any person found guilty of violating any of the provisions of this chapter shall be punished, upon conviction thereof, by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the City jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

(Prior code § 21-7)

5.32.080 Exceptions.

The provisions of this chapter do not apply to any business operated solely for the purpose of dealing in used furniture, household appliances, automobiles and dishware.

(Prior code § 21-8)

5.32.090 Suspension or revocation of license.

- A. The governing body of the City may institute proceedings for the suspension or revocation of any license issued pursuant to this chapter upon the filing of a written complaint by the City Police Department or the attorney general charging the license holder, or an employee thereof, with a violation of any provision of this chapter or the Pawnbrokers Act.
- B. The governing body of the City shall serve written notice of the alleged violation upon the license holder. The notice requirement is satisfied if personal service of the notice is had upon the holder of the license or if such notice is posted in a conspicuous place upon the license holder's place of business.
- C. The governing body of the City shall set a date for hearing on the complaint, not more than ten (10) days nor less than five (5) days after the date of notice, unless waived by all parties thereto. The notice provided for in subsection B of this section shall specify the date and time of the hearing.
- D. The license holder and any other interested person shall have the right to appear at this administrative hearing and to produce evidence. The rules of evidence shall not apply. If, after holding this hearing, the governing body of the City determines that the license holder is in violation of the provisions of this chapter or the Pawnbrokers Act as charged in the complaint, the governing body shall issue a written order. The order may suspend the license for a stated period of time or permanently revoke the license. The governing body of the City shall cause such order to be served upon the license holder and filed in the office of the City Clerk for public inspection within five (5) business days after the hearing. Service of the order on the license holder shall be as specified in subsection B of this section, and the official serving the order shall have the authority to remove the license from the premises and deliver that license to the City. This hearing shall be the final administrative remedy.

(Prior code §)

Chapter 5.36 SOLICITORS

5.36.010 Solicitors defined.

5.36.020 License required.

5.36.030 License—Issuance.

5.36.040 License—Fee.

Title 5 BUSINESS LICENSES AND REGULATIONS

5.36.050 Revocation.

5.36.060 Prohibited acts.

5.36.070 Exceptions.

5.36.010 Solicitors defined.

A "solicitor" means a person who goes from door to door visiting single-family or multifamily dwellings and businesses, or who is on the streets and parking lots of the City for the following purposes:

- A. To sell any goods, wares, merchandise or services, or to accept subscriptions or orders thereof;
- B. To accept or request donations for any charitable purpose.

(Prior code § 23-1)

5.36.020 License required.

All persons, before entering into or upon a residential or business premises or the streets and parking lots within the City for the purpose of soliciting, shall make application with the City Clerk and furnish the following information:

- A. The name, local and permanent addresses, social security number, driver's license number, age, race, weight, height, color of hair and eyes and any other distinguishing physical characteristics of the applicant;
- B. The names, addresses and telephone numbers of persons or the officers, directors or registered agents for service of the organization, group, association, partnership or corporation who is the employer of or entity represented by the applicant;
- C. The nature of the goods, wares, merchandise or services offered for sale or the purpose for which solicitations will be made;
- D. Three (3) one-inch by two-inch photographs of the applicant, taken within six (6) months immediately prior to the date of the filing of the application, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- E. The fingerprints of the applicant which will be taken and kept on file at the Hobbs Police Department;
- F. Completion of a statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance in the preceding five (5) years, the nature of the offense and the punishment or penalty assessed therefor.

(Prior code § 23-2)

5.36.030 License—Issuance.

- A. Upon receipt of the application, the original shall be referred to the Chief of Police, who shall cause such investigation into the applicant's business and moral character to be made as he deems necessary for the public good. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall signify his or her

Title 5 BUSINESS LICENSES AND REGULATIONS

approval on the application and return the application to the City Clerk who shall, upon payment of the prescribed fee, deliver the license to the applicant.

- B. A license issued under this chapter shall be issued for the calendar year unless earlier revoked as provided in this chapter. Every solicitor shall carry his or her license with him or her at all times while engaged in soliciting and shall display the same to any person who demands to see such license while he or she is so engaged.

(Prior code § 23-3)

5.36.040 License—Fee.

A fee of twenty-five dollars (\$25.00), to cover the cost of the investigation of the applicant and processing of the application, shall be paid to the City Clerk when the application is filed and shall not be returnable under any circumstances. The fee may not be prorated for solicitations conducted for a portion of the year.

(Prior code § 23-4)

5.36.050 Revocation.

Licenses issued under the provisions of this chapter may be revoked by the City Manager, after notice and hearing, for any one (1) of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application for the license;
- B. Fraud, misrepresentation or false statement made in the course of conducting business as a solicitor;
- C. Conviction of any crime or misdemeanor involving moral turpitude;
- D. Conducting the business of soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public;
- E. Any violation of this chapter.

(Prior code § 23-5)

5.36.060 Prohibited acts.

It is unlawful for any person to:

- A. Enter into or upon a residential or business premises or the streets and parking lots within the City under false pretense to sell any goods, wares, merchandise or services, or to solicit for any purpose;
- B. Remain in or on any residential or business premises after having been requested to leave by the owner or occupant thereof;
- C. Enter upon any residential or business premises to solicit, when the owner or occupant has displayed a "No Soliciting" sign on such premises;
- D. Engage in the practice of soliciting in the City without a license as provided for in this chapter;

Title 5 BUSINESS LICENSES AND REGULATIONS

- E. Knowingly give false information or fail to give information when obtaining the license required by this chapter;
- F. Use or possess an altered, forged or fictitious solicitor's license.

(Prior code § 23-6)

5.36.070 Exceptions.

The provisions of this chapter shall not apply to:

- A. Any person who visits any residence, apartment or business at the request or invitation of the owner or occupant thereof;
- B. Unpaid members of any civic or charitable organization who have an approved means of identification provided by such organization or who upon request can provide identification of the relationship with the civic or charitable organization;
- C. Newsboys soliciting subscriptions to any newspaper for home delivery within the City;
- D. Route delivery persons who make deliveries at least once a week to regular customers and whose solicitation is incidental only to their regular deliveries and permanent local business entities whose periodic solicitations are incidental to their regular business activities.

(Prior code § 23-7)

Chapter 5.40 TAXICABS

Article 1 - In General

Article 2 - Licenses

Article 1 In General

5.40.010 Definitions.

5.40.020 Inspections.

5.40.030 Owner's name and license number to be painted on cab—License to be posted in cab.

5.40.040 Duty to accept and complete calls.

5.40.050 Records.

5.40.060 Reports of disciplinary action.

5.40.070 Insurance.

5.40.080 Violations—Penalties.

5.40.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

DEFINITIONS

- A. **Conveyance (Outdoor Vendors):** Any publicly or privately owned vending stand, vending trailer, mobile food vehicle, or any other device designed for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise.
- B. **Ice Cream\Snow Cone Truck:** A specific type of mobile food vehicle that sells only prepackaged, single-portion ice cream or frozen confections, and are allowed to operate within public right of ways of minor residential streets.
- C. **Mobile Food Vehicle:** A food establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer, that is readily movable without disassembling for transport to another location. Mobile food vehicles may serve as a conveyance for outdoor vending at a fixed location.
- D. **Mobile Food Vendor:** Any person that owns or operates a mobile food vehicle for the purpose of mobile food vending, as defined herein.
- E. **Mobile Vending Unit:** See "Conveyance" above.
- F. **Outdoor Vending.** Exhibiting, displaying, selling or offering for sale any food, beverages, goods, wares or merchandise from a conveyance at a fixed location on private property.
- G. **Outdoor Vendor:** Any person that exhibits, displays, sells or offers for sale any food, beverages, goods, wares or merchandise from a conveyance at a fixed location. This definition does not include a door-to-door solicitor, children's lemonade stands or homeowners having garage sales.
- H. **Outdoor Vendor Park.** A site that contains more than one outdoor vendor on a regular basis as the principal use of the property.
- I. **Primarily Residential Areas:** An area where 75% of the lots within a three hundred (300) foot radius of the proposed mobile vending unit location have been developed as residential usage.
- J. **Public Way:** All areas legally open to designated public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings.
- K. **Pushcart or Handcart:** Any open-air wheeled device designed for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise and for being pushed by a person without the assistance of a motor vehicle, and are allowed to operate within public right of ways of minor residential streets.
- L. **Sidewalk:** All that area legally open to the public used as a pedestrian public way between the curb line and the legal property line of the abutting property.
- M. **Vending Stand:** A non-motorized, open-air fixture or device, such as a showcase, table, bench, rack, handcart, pushcart, stall that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise at a fixed location. This definition does not include vending trailers.
- N. **Vending Trailer:** A device enclosed on at least three sides with a permanent roof, mounted on wheels, designed to be pulled by a motor vehicle for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise.

Purpose and Intent.

The regulations contained herein are not intended to prohibit or hamper economic activity, but merely to regulate specific activities that are commercial in nature. It is the intent of these regulations to:

1. Establish in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals, and the general welfare of the general public;
2. Establish a uniform set of rules and regulations that are fair and equitable;
3. Provide economic development opportunities to small entrepreneurs; and
4. Mitigate the negative impact between adjacent uses and facilitating the transition from one type of use to another.

A. Permit Required

1. **Applicability.** It shall be unlawful for any person to engage in the business of outdoor vending or mobile business activity, as defined in Municipal Code 5.04.020 Definitions and herein, unless he/she has obtained a Mobile Vending permit from the City of Hobbs Clerk's Office, except as exempted in *B. Exemptions* below. All permits shall be issued according to the regulations herein.
2. **Application for Permit.** Applicants may request a Mobile Vending Permit for either (1) outdoor vending or (2) mobile food vending. The application for a Mobile vending permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including, but not limited to:
 - a. The applicant's full name, current address, telephone number and proof of identity, together with a photograph of the mobile unit, not less than two inches square nor more than three inches square.
 - b. A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale.
 - c. Site plan showing a proposed location and distances in compliance with the location requirements in Subsection D.1.
 - d. Written consent of the property owner, if applicable.
 - e. If the applicant is engaged in the sale of food or beverages, a copy of the State of New Mexico Health Department Inspection certificate shall be provided.
 - f. If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation of employment.
 - g. If a motor vehicle is to be used, the motor vehicle make, year, model and license number.
 - h. Proof of vehicle registration.
 - i. Proof of current driver's license for all drivers.
3. **Fee.** The applicant shall pay the fee as adopted from time to time by City Commission.

4. Issuance of Permit.

- a. The applicant shall be notified in writing by the City Clerk or his/her designee of the City's decision to issue or deny the mobile vending permit not later than twenty one (21) days after the applicant has filed a completed application with the Clerks Department.
- b. Each permit shall show the name and address of the mobile vendor, the type of permit issued, the kind of goods to be sold, the amount of the permit, the date of issuance, the permit number, an identifying description of any motor vehicle or mobile unit used by the vendor plus, where applicable, the motor vehicle registration number and a photograph of the mobile unit not less than two inches square nor more than three inches square. Each permit shall also show the expiration date of the permit.
- c. All permits issued under this section shall be both non-assignable and non-transferable.

5. **Display of Permit.** Any permit issued by the City Clerk or his / her designee shall be carried with the vendor whenever he/she is engaged in vending and conspicuously displayed on the mobile unit. Certificate of Health Inspection from the New Mexico Health Department shall also be properly and conspicuously displayed at all times during the operation of the vending business.

6. Expiration and Renewal.

- a. **Permanent Permit.** All permanent vending permits expire annually at midnight on December 31st. A vending permit may be renewed, provided an application for renewal and permit fees are received by the City no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The City Clerk or his / her designee shall review each application for renewal, and upon determining that the applicant is in full compliance with the provision of these regulations, shall issue a new permit.
- b. **Temporary permit.** All temporary permits issued shall be valid only for the time period established on the permit.

7. **Notification of Name or Address Change.** All vendors shall assure that the current and correct name, residence address and mailing address are on file with the Clerk's Office. Whenever either the name or address provided by a permitted vendor on an application for a vending permit changes, the vendor shall notify the City Clerk in writing within 60 days of such change and provide the same with the name change or address change.

B. Exemptions.

1. **Exempt activities.** The provisions of the ordinance do not apply to:

- a. Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment, or transfer.
- b. The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books.
- c. The distribution of free samples of goods, wares and merchandise by any individual from his person.
- d. Temporary sales to benefit non-profit organizations and conducted on private property.

Such sales shall be conducted no longer than five consecutive days.

2. **Claims of exemption.** Any person claiming to be legally exempt from the regulations set forth herein, or from the payment of a permit fee, shall cite to the City Clerk or his/her designee, the statute or other legal authority under which exemption is claimed and shall present proof of qualification of such exemption.

C. Outdoor Vending. The following requirements shall apply to outdoor vending locations.

1. **Private Property.**

a. **Single Vendor.** (no on-site consumption allowed)

- a) **Locations.** Outdoor vendors shall be permitted on developed private property only in areas where 75% of the parcels within a three hundred (300) foot radius of the proposed mobile vending unit location have been developed as commercial usage or are unoccupied. Outdoor vendors are prohibited in primarily residential areas.
- b) **Number of Vendors.** Only one (1) outdoor vendor shall be permitted per single owner parcel. However, if more than one vendor is proposed for a single owner parcel, it shall be considered an outdoor vendor park and shall meet the requirements for Outdoor Vendor Park below.
- c) **Permission required.** Outdoor vendors shall obtain written permission from the property owner prior to occupying a property.
- d) **Minimum Site Requirements.** A property proposed for occupation by a single mobile vendor shall have 50 feet of minimum frontage adjacent to a dedicated thoroughfare, a developed all-weather asphalt, chip seal or concrete driveway at least 50' in length from the edge of pavement allowing ingress and egress to the occupied property.

b. **Outdoor Vendor Park.**

- a) **Locations.** Outdoor vendor parks shall be permitted on private property as a conditional use only in areas where 75% of the adjacent sites have been developed as commercial usage. Outdoor Vendor Parks are prohibited in primarily residential areas.
- b) **Review Criteria.** The Planning Board shall review the Outdoor Vendor Park application based on the specific circumstances of the proposed vendor park including the location of the park, the size of the parcel where the park is located, the types of surrounding land uses and the proximity to the park, parking, and any other potential impacts on public health, safety and welfare. The Planning Board shall determine the number of outdoor vendors permitted within the outdoor vendor park.
- c) **Minimum Site Requirements.** The property owner proposing an outdoor vendor park shall be required to make necessary improvements to the property in order to meet the city development codes and be approved for this semi-permanent use:
 - i. Make any improvements necessary to the site to meet the requirements of Municipal Code 15.40 Landscaping, Resolution #5482 Screening and Buffering Requirements.

- ii. Make any improvements necessary to the site to meet the requirements of Municipal Code 15.20.030 Off-Street Parking. This may include paving, striping and the construction or designation of handicapped parking spaces.
 - iii. Make any necessary improvements to provide permanent utility connections for each outdoor vending unit in the outdoor vendor court. This shall include appropriate permanent water, sanitary sewer and electricity connections. Make any improvements necessary to ensure safe pedestrian and vehicular access to the site. This may include sidewalk and curb-cut improvements.
 - iv. Individual outdoor vendor units operating in an outdoor vendor park shall obtain an outdoor vendor permit and shall meet all of the applicable requirements including state and local codes as adopted.
2. **Public Property.** Outdoor vending on public property shall only be permitted in special outdoor vendor districts as identified herein or otherwise established by City Commission.
- a) **Locations.** Vending locations within the City of Hobbs Public Parks or Municipal Property shall be approved by the Parks Department. A mobile vendor shall be permitted no more than one vending permit within the public parks. Vendors with a valid permit for a specific location shall be permitted to continue at that location for so long as the permit under this section is continuously issued and does not expire or is not revoked pursuant to this section.
 - b) **Special Events.** Temporary mobile vendor permits may be issued during special events based on the location restrictions below.

D. Location Restrictions. No outdoor vendor shall be permitted to operate in the following areas:

- a. Within a primarily Residential Area.
- b. Within the required set-backs as required by the Hobbs Major Thoroughfare Plan.
- c. Within 10 feet of any street intersection or pedestrian crosswalk.
- d. Within 10 feet of any driveway, loading zone or bus stop.
- e. In any area within 15 feet of a building entrance.
- f. On the median strip of a divided roadway unless the strip is intended for use as a pedestrian mall or plaza.
- g. Any area within 100 feet of a hospital building, college building, university building, elementary school building, middle school building or high school building.
- h. Within 10 feet of any fire hydrant or fire escape.
- i. Within 10 feet of any parking space or access ramp designated for persons with disabilities.
- j. In a public owned parking space or public owned parking lot.
- k. Within 25 feet of any bus stop sign.
- l. Within 50 feet of driveway to police or fire station.
- m. Within 50 feet of principal public entrance to food service business not owned by vendor.
- n. Any area that obstructs pedestrian traffic.
- o. Vacant or undeveloped property.

E. Mobile Food Vending. The following requirements apply to mobile food vendors:

1) **Equipment Requirements.** All mobile food vendor conveyances shall have the following features:

- a) Convex mirror mounted on the front of the vehicle such that the driver in his normal seating position can see the area in front of the truck obscured by the hood.
- b) Passenger side mirror.
- c) Business name, address and phone number printed in 2" letters on each side of the vehicle.
- d) Trash receptacle.
- e) The vehicle shall be lawfully parked or stopped before vending can take place.

2) **General Requirements**

- a) The vehicle shall not be stopped for vending purposes other than at an approved location.
- b) Vending shall not occur with any part of the conveyance vehicle occupying the prescribed setback of its location.

3) **Location Restrictions**

- a) Mobile food vending shall only take place on compliant locations.
- b) No vending shall be permitted within 100 feet of a school while school is in session and one hour before and after school is in session.

F. Littering and Trash Removal.

- a) Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their business. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container.
- b) Persons engaged in food vending shall provide a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

G. Prohibited Conduct.

No person authorized to engage in the business of vending under these regulations shall do any of the following:

- a) Unduly obstruct pedestrian or motor vehicle traffic flow, except for up to 20 minutes to load and unload vending mobile unit and/or vending merchandise.
- b) Obstruct traffic signals or regulatory signs.
- c) Stop, stand or park any motor vehicle or any other conveyance upon any street for the purpose of selling.

- d) Leave any mobile unit unattended at any time or store, park, or leave such mobile unit in a public way overnight.
- e) Use any mobile unit that when fully loaded with merchandise cannot be easily moved and maintained under control by the permittee, his employee or an attendant.
- f) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention. However, mobile food vendors are permitted to play music within the regulations of the City of Hobbs noise ordinance, but shall not do so within 100 feet of hospitals, schools or churches.
- g) Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
- h) Use, install or display any signage that is not in compliance with Municipal Code 15.32 or lighting that is not in compliance with Resolution #5482 establishing Buffering, Screening and lighting Standards.
- i) Altering vehicle to allow for additional signage.
- j) No vending conveyance or other item related to the operation of a vending business shall be located on any city sidewalk or other public way. Nor shall any mobile food vehicle be parked, stored or left overnight other than in a lawful parking place.
- k) Run hoses, cords or other apparatus to the mobile vending unit.

H. Suspension and Revocation of Permit.

- 1) **Conditions for Suspension / Revocation.** In addition to the penalties punishable as set forth in Municipal Code Section 5.04 and 5.20, any permit issued under these regulations may be suspended or revoked for any of the following reasons:
 - a) Fraud, misrepresentation or knowingly false statement contained in the application for the permit.
 - b) Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending.
 - c) Conducting the business of vending in any manner contrary to the conditions of the permit.
 - d) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners; or
 - e) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations.

- 2) **Notification of Suspension or Revocation.** The City Clerk or his/her designee shall provide written notice of the proposed suspension or revocation in a brief statement setting forth the complaint and the grounds for suspension or revocation. Such notice shall be mailed to the address shown on the permit holder's application by certified mail, return receipt requested.
- 3) **Forfeiture of Fee.** If the City revokes a vending permit, the fee already paid for the permit shall be forfeited. A person whose permit has been revoked under this Section may not apply for a new permit for a period of one (1) year from the date that the revocation took effect.

I. **Vending Location Variance Requests and Procedures.**

A. **Variance.**

1. Variances are authorized deviations from the vending location development requirements in this Chapter. A variance may be appropriate when strict enforcement would represent a unique, undue and unnecessary hardship on a particular property.
2. A complete application for a variance shall be submitted by a property owner, or an agent acting on behalf of the property owner, to the Planning Department, on a form prescribed by the City, along with a nonrefundable fee, which may be established from time to time by the City Commission. Under no circumstances shall a variance be proposed or considered that would authorize a use of property for a vendor site that is not otherwise permitted in accordance with this Chapter. The property owner must sign the variance request.

B. **Planning Department Action on Minor Variations.**

The Planning Department shall have the authority to find that a variance application involves a minor variation, which shall include any proposed variation from a property development standard in this Ordinance that would be a deviation of a minor nature from such adopted standard. In any such case, the Planning Department may grant an administrative approval that does not require any further review or action by the Planning Board. Any such approval must meet the conditions for considering variances herein. If the Planning Department determines that an application does not meet these conditions and does not merit approval, then the matter may be referred to the Planning Board for review and action if requested by the applicant. The record of Planning Department review and approval of minor variations shall be available for public inspection, upon reasonable request, during normal business hours. In no case shall the Planning Department consider a variance for any substantive variance from this Chapter.

C. **Planning Board Public Hearings on Variances.**

For all variance applications not deemed minor by the Planning Department, the Planning Board, after due notice, shall hold a public hearing on an application for a variance. At the public hearing, the Planning Board shall consider the application, the report of the Planning Department, the relevant supporting materials and the public testimony given at the public hearing. After the close of the public hearing, the Planning Board shall vote to approve, approve with conditions, or disapprove the application for a variance.

D. **Mailed Notices.**

Whenever a vending location variance is proposed for a property, the Planning Division shall mail notice of the public hearing by certified mail, to the owners, as shown by the records of the county assessor, of lots of land within an area of three hundred (300) feet of the proposed location of a mobile vending unit. The mailing shall be posted on or before the fifteenth (15th) day before the date of the public hearing.

E. **Conditions for Considering Vending Location Variances.**

To approve a Vending Location Variance, the Planning Board shall make an affirmative finding that each of the following criteria, have been considered:

- ** Such variance will not alter the essential character of the neighborhood in which the property is located.
- ** Granting the variance will not adversely affect the health, safety or welfare of the public.
- ** Special circumstances must exist that are peculiar to the land and the special circumstances are not self-imposed or the result of the actions of the applicant.
- ** Literal interpretation and strict enforcement of the terms and provisions of this Chapter would cause an unnecessary and undue hardship outside of an increased monetary investment by the property owner.
- ** The variance, if granted, will not be contrary to the public interest as implemented in this Chapter.
- ** The variance, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the city.
- ** Granting the variance is the minimum action that will make possible reasonable use of the property and which would carry out the spirit of this Chapter and would result in substantial justice.

F. The Planning Board may impose such conditions on a vending location variance as are necessary to accomplish the purposes of this Chapter, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. All conditions imposed upon any variance shall be expressly set forth in writing with the granting of such variance.



CITY OF HOBBS
MOBILE BUSINESS LICENSE
ORDINANCE NO. 930

Please complete and return application to the City of Hobbs, City Clerk's Office, 200 East Broadway, Hobbs, NM, 88240. The Mobile License fee is \$100.00, valid for one calendar year and the applicant must obtain a Business Registration for \$25.00, making a combined total annual fee of \$125.00. This license expires December 31 of each year.

MOBILE BUSINESS LICENSE APPLICATION AND AFFIDAVIT

STATE OF NEW MEXICO)
) SS.
COUNTY OF LEA)

COMES NOW THE UNDERSIGNED AND STATES THE FOLLOWING:

PERSONAL INFORMATION

Name
Permanent Residence Address
City, State and Zip Code
Proof of Residency
Telephone No. Date of Birth
Driver's License No. & State of Issue

BUSINESS INFORMATION

Business Name
Mailing Address
Street Address
City, State and Zip Code
Telephone No.
Type of goods, wares, merchandise or services to be sold (specific description):
Vehicle Description (specific description):

New Mexico Gross Receipts Taxpayer Identification No. _____

(PLEASE ATTACH AN OFFICIAL COPY OF THIS DOCUMENT)

NOTE: THIS APPLICATION MUST BE SIGNED BEFORE A NOTARY PUBLIC.

APPLICANT'S SIGNATURE

Subscribed and sworn to before me this _____ day of _____,
_____.

NOTARY PUBLIC

My Commission Expires:

FOR OFFICIAL USE ONLY:

Date Received in the City Clerk's Office: _____ By: _____

Planning Dept. Approved: Yes: _____ No: _____ By: _____ Date: _____

Building Official Approved: Yes: _____ No: _____ By: _____ Date: _____

Fire Dept. Approved: Yes: _____ No: _____ By: _____ Date: _____



CITY OF HOBBS
SOLICITOR'S LICENSE APPLICATION
CHAPTER 5.36

Requirements: Three clear passport size photographs taken within the past six months
Fingerprints by Hobbs Police Department
Background check by Hobbs Police Department

Instructions: Present completed application and one photo to Police Department for fingerprinting and approval. Fingerprinting is conducted at the Hobbs Police Department, Tuesday through Thursday between 10 a.m. and 11 a.m., 300 N. Turner, Hobbs, New Mexico 88240. Bring approved application and remaining two photos to the City Clerk's office, 200 East Broadway, Hobbs, NM 88240, for issuance of license. License fee is \$25 and license expires December 31 of each year. PRINT LEGIBLY.

PERSONAL INFORMATION

Name _____ Male _____ Female _____

Permanent Address _____ City, State, Zip _____

Telephone No. _____ Date of Birth _____ Place of Birth _____

Height _____ Weight _____ Hair Color _____ Eye Color _____

Social Security # _____ Complexion _____

State of Issue and Driver's License No. _____

Scars or identifying marks: _____

Year and Make of Vehicle _____ License Plate # _____ Color _____

Local Address _____

Previous Employer: _____ No. Years Employed _____

Have you ever been convicted of any crime, misdemeanor or violation of any municipal ordinance in the preceding five years: Yes No

If yes, describe the nature of the offense and punishment or penalty assessed therefor.

(over)



CITY OF HOBBS
TEMPORARY VENDOR'S LICENSE
ORDINANCE NO. 931

Please complete and return application to the City of Hobbs, City Clerk's Office, 200 East Broadway, Hobbs, NM, 88240. The Temporary Vendor's License fee is \$500.00 and must be paid by cash or cashier's check. No personal checks will be accepted. The license is valid seven consecutive days from date of issuance for the sale of goods or merchandise between the hours of 8:00 am and 8:00 pm which license shall expire at 8:00 pm on the seventh day. A letter of permission from the property owner must be attached. THIS APPLICATION MUST BE SUBMITTED 5 DAYS PRIOR TO 1ST DAY OF SALE. THERE WILL NOT BE ANY EXCEPTIONS.

TEMPORARY VENDOR'S APPLICATION AND AFFIDAVIT

STATE OF NEW MEXICO)
) SS.
COUNTY OF LEA)

COMES NOW THE UNDERSIGNED AND STATES THE FOLLOWING:

PERSONAL INFORMATION

Name
Permanent Residence Address
City, State and Zip Code
Telephone No. Date of Birth
Driver's License No. & State of Issue
Vehicle Description: Year Make Model
Color License Plate Number State of Issue
Local (Hobbs) Address and Telephone Number (Motel Address)

BUSINESS INFORMATION

Business Name
Address
City, State and Zip Code
Telephone No.
Location of Sale:
Type of goods, wares, merchandise or services to be sold (specific description):

Please indicate what dates you will be selling merchandise in the City of Hobbs.

START: _____ **ENDING:** _____ **SEE OTHER SIDE**

New Mexico Gross Receipts Taxpayer Identification No. _____

(PLEASE ATTACH AN OFFICIAL COPY OF THIS DOCUMENT)

NOTE: THIS APPLICATION MUST BE SIGNED BEFORE A NOTARY PUBLIC.

APPLICANT'S SIGNATURE

Subscribed and sworn to before me this _____ **day of** _____, _____.

NOTARY PUBLIC

My Commission Expires:

(Please attach a written document from the property owner granting permission to use property for sale. Moving to a different location requires you to update this application and the license.)

[Print](#)

Lovington, NM Code of Ordinances

17.40.050 Special permits-Authority of city commission.

A. The city commission may, by special permit after publication hearing and subject to such protective restrictions that it deems necessary, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this title:

1. Any public building erected and used by any department of the city, county, state or federal government;
2. Hospitals, clinics and institutions for criminals and those for persons that are insane or have contagious diseases; provided, however, that such buildings may occupy not over twenty-five percent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property; and provided further, that the buildings shall be set back from all yard lines a distance of not less than two feet for each foot of building height;
3. Cemetery;
4. Community building or recreation field;
5. Airport or landing field;
6. Commercial greenhouses; provided, that any such structures shall not be less than one hundred feet from all property lines;
7. Temporary commercial amusements or recreational development;
8. Extraction of gravel, sand or other raw materials;
9. Industrial uses excluded from the "D" industrial district to locate in the "D" industrial district;
10. Parking lots adjacent to, across a street from or across an alley from a "C" commercial district, a "D" industrial district.

B. Before issuance of any special permit for any of the above buildings or uses, the city commission shall refer the proposed application to the city planning and zoning commission, which commission shall be given thirty days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until, and unless the report of the city planning and zoning commission has been filed; provided, however, that if no report is received from the city planning and zoning commission within thirty days, it shall be assumed that approval of the application has been given by the commission. (Prior code § 11-3-5)

- CHARTER COMPARATIVE TABLE

Title 15 BUILDINGS AND CONSTRUCTION

ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 1006, Art. 5(G), 12-15-2008)

Chapter 15.40 LANDSCAPING ⁽⁶¹⁾

15.40.010 Purpose and intent.

15.40.020 Definitions.

15.40.030 Irrigation systems and watering.

15.40.040 Landscape plan review.

15.40.050 Maintenance.

15.40.060 Enforcement—Penalties.

15.40.070 Variances—Extensions.

15.40.010 Purpose and intent.

The City of Hobbs ("City") wishes to promote and preserve visually attractive and pleasing surroundings, reduce erosion and runoff, and improve the quality of the environment including major thoroughfares, City rights-of-way and commercial frontage. The City desires to have development with an attractive and high quality appearance. Finally, the City desires to maintain consistent landscaping guidelines for newly constructed private and public commercial properties. Therefore, landscaping shall be provided and maintained as set forth in this chapter. The style of landscape is not described; however, indigenous or drought tolerant plants are recommended but not required.

(Ord. 950 (part), 2006)

15.40.020 Definitions.

As used in this chapter the following terms are defined as follows:

"Landscape plan" means a scaled landscape plan indicating the type and location of irrigation system and location of landscaping or improvements as defined in the landscaping definition.

"Landscaping" means to improve the aesthetic appearance of private property and/or public right-of-way with a combination of at least two (2) of the following: turf, ornamental shrubs, trees, ornamental landscape rock, bark, creative concrete designs, and brick pavers, but at least one (1) of the materials shall be living. (All living materials used shall be of such size and quality as to enhance the landscaped area, i.e., two- to three-inch tree trunk diameter and five-gallon ornamental shrubs.) Landscaping required by this chapter shall be determined as follows:

1. From the total square footage of the site there shall be deducted the total square footage of the building pad, fenced-in retail and/or storage areas, permanent canopies, and other improvements reasonably considered to be part of the building and cover area for the primary activities carried on at the commercial site. This resulting number shall be described as the "parking lot."
2. An amount of land equal to ten (10) percent of the parking lot is the amount of land required to be landscaped, except for automobile, trailer, and mobile home sales lots, for which the

- CHARTER COMPARATIVE TABLE

Title 15 BUILDINGS AND CONSTRUCTION

required percentage of land is only five (5) percent. Landscaping can be placed on private property or, with the approval of the City Manager or his or her designee, can be placed in the public right-of-way, or both.

3. At least seventy-five (75) percent of the total area required to be landscaped shall be located within the front perimeters of the site adjacent to an adjacent street or to adjacent streets for corner sites. The required landscaping need not be continuous along the entire front perimeters but can be situated in noncontiguous locations allowing driveways, signs, and other uses of portions of the front perimeters.
4. For new parking lots with more than one hundred (100) spaces, it is strongly recommended but not required that trees be planted every twenty (20) spaces to allow for shade and visual relief.
5. Landscaping must not obstruct visibility for traffic flow or traffic devices.

"New construction" means all nonresidential buildings which are built, erected or otherwise placed upon a commercial site after the effective date of the ordinance codified in this chapter and shall include modular and manufactured buildings and trailers placed upon a commercial site. Remodels and additions to existing commercial buildings are not considered new construction.

"Site" is defined as the lot or lots included within the application for which the new construction building permit is sought and upon which the landscape requirements of this chapter are imposed as minimum acceptable standards.

"Variances" shall be requested in writing to the City Manager and approved by the City Commission.
(Ord. 950 (part), 2006)

15.40.030 Irrigation systems and watering.

All landscaped areas on the site shall have immediate availability of water via an automated underground irrigation system meeting industry standards.

(Ord. 950 (part), 2006)

15.40.040 Landscape plan review.

A landscape plan shall be submitted in conjunction with the construction plans to the Building Inspector. The plan shall be a scaled, detailed drawing comprehensive in nature, detailing the specific locations of irrigation and plant material. All other materials used shall be identified by type and location of placement and usage. The Building Inspector shall grant approval or require revision of the landscape plan within thirty (30) days from the date of submission of the landscape plan.

(Ord. 950 (part), 2006)

15.40.050 Maintenance.

The owner of the landscaped property shall be responsible to maintain, trim, and prune the landscaping on that owner's property as well as the landscaping that owner places in the public right-of-way. Dead plant material shall be replaced with new material in as brief a time as practicable as dictated by seasonal conditions. The Parks Division may be consulted as a resource for appropriate materials. Landscaped areas, as well as the remainder of the entire property, shall be kept weed and litter free. All plant growth shall be trimmed to allow for maintenance of public utilities and unobstructed vision of traffic and traffic devices.

(Ord. 950 (part), 2006)

- CHARTER COMPARATIVE TABLE

Title 15 BUILDINGS AND CONSTRUCTION

15.40.060 Enforcement—Penalties.

The owner shall have sixty (60) days from date of issuance of final certificate of occupancy to complete landscaping. A fine of not more than two hundred dollars (\$200.00) per day may be imposed for violations of this chapter.

(Ord. 950 (part), 2006)

15.40.070 Variances—Extensions.

The owner may submit to the City Manager a written request for a variance. A variance for good cause shown may be granted in writing by the City Commission, in which event a certificate of variance shall be issued and filed with the Building Inspector as a permanent record. A variance shall be automatically revoked in the event a building permit for the project containing the approved variance has not been obtained within one (1) year or construction has not been completed within one (1) year after the building permit has been issued. The City Manager or his or her designee may grant an extension not to exceed one (1) year in duration as deemed appropriate, upon written application made prior to expiration of the specified period.

(Ord. 950 (part), 2006)

FOOTNOTE(S):

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Note— Prior ordinance history: Ord. 914. ([Back](#))

CITY OF HOBBS

ORDINANCE NO. 950

AN ORDINANCE AMENDING CHAPTER 15.40 OF
TITLE 15 OF THE HOBBS MUNICIPAL CODE PROVIDING
FOR ADDITIONAL LANDSCAPING REQUIREMENTS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that Chapter 15.40 of Title 15 of the Hobbs Municipal Code is hereby amended to increase the recommended size of planting, improve the language regarding the landscape plan which must be submitted and add an enforcement and penalty section:

Chapter 15.40

LANDSCAPING

Sections:

- 15.40.010 Purpose and Intent.**
- 15.40.020 Definitions.**
- 15.40.030 Irrigation Systems and Watering.**
- 15.40.040 Site Plan Review.**
- 15.40.050 Maintenance.**
- 15.40.060 Enforcement; Penalties.**
- 15.40.070 Variances; Extensions.**

Section 15.40.010 Purpose and Intent.

The City of Hobbs ("City") wishes to promote and preserve visually attractive and pleasing surroundings, reduce erosion and runoff, and improve the quality of the environment including major thoroughfares, City rights-of-way and commercial frontage. The City desires to have development with an attractive and high quality appearance. Finally, the City desires to maintain consistent landscaping guidelines for newly constructed private and public commercial properties. Therefore, landscaping shall be provided and maintained as set forth in this chapter. The style of landscape is not described; however, indigenous or drought tolerant plants are recommended but not required.

Section 15.40.020 Definitions.

As used in this Chapter the following terms are defined as follows:

- A. "Landscaping" shall mean to improve the aesthetic appearance of private property and/or public right-of-way with a combination of at least two of the following: turf, ornamental shrubs, trees, ornamental landscape rock, bark, creative concrete designs, and brick pavers, but at least one of the materials shall be living. (All living materials used shall be of such size and quality as to enhance the landscaped area, i.e. 2"-3" tree trunk diameter and 5 gallon ornamental shrubs.) Landscaping required by this Chapter shall be determined as follows:
1. From the total square footage of the site there shall be deducted the total square footage of the building pad, fenced-in retail and/or storage areas, permanent canopies, and other improvements reasonably considered to be part of the building and cover area for the primary activities carried on at the commercial site. This resulting number shall be described as the "parking lot."
 2. An amount of land equal to ten percent (10.0%) of the parking lot is the amount of land required to be landscaped, except for automobile, trailer, and mobile home sales lots, for which the required percentage of land is only five percent (5.0%). Landscaping can be placed on private property or, with the approval of the City Manager or designee, can be placed in the public right-of-way, or both.
 3. At least seventy-five percent (75%) of the total area required to be landscaped shall be located within the front perimeters of the site adjacent to an adjacent street or to adjacent streets for corner sites. The required landscaping need not be continuous along the entire front perimeters but can be situated in non-contiguous locations allowing driveways, signs, and other uses of portions of the front perimeters.
 4. For new parking lots with more than 100 spaces, it is strongly recommended but not required that trees be planted every twenty (20) spaces to allow for shade and visual relief.
 5. Landscaping must not obstruct visibility for traffic flow or traffic devices.
- B. "New construction" shall mean all non-residential buildings which are built, erected or otherwise placed upon a commercial site after the effective date of this Ordinance and shall include modular and manufactured buildings and trailers placed upon a commercial site. Remodels and additions to existing commercial buildings are not considered new construction.

- C. "Site" is defined as the lot or lots included within the application for which the new construction building permit is sought and upon which the landscape requirements of this chapter are imposed as minimum acceptable standards.
- D. "Landscape plan" shall mean a scaled landscape plan indicating the type and location of irrigation system and location of landscaping or improvements as defined in the landscaping definition.
- E. "Variances" shall be requested in writing to the City Manager and approved by the City Commission.

Section 15.40.030 Irrigation Systems and Watering.

All landscaped areas on the site shall have immediate availability of water via an automated underground irrigation system meeting industry standards.

Section 15.40.040 Landscape Plan Review.

A landscape plan shall be submitted in conjunction with the construction plans to the Building Inspector. The plan shall be a scaled, detailed drawing comprehensive in nature, detailing the specific locations of irrigation and plant material. All other materials used shall be identified by type and location of placement and usage. The Building Inspector shall grant approval or require revision of the landscape plan within 30 days from the date of submission of the landscape plan.

Section 5.40.050 Maintenance.

The owner of the landscaped property shall be responsible to maintain, trim, and prune the landscaping on that owner's property as well as the landscaping that owner places in the public right of way. Dead plant material shall be replaced with new material in as brief a time as practicable as dictated by seasonal conditions. The Parks Division may be consulted as a resource for appropriate materials. Landscaped areas, as well as the remainder of the entire property, shall be kept weed and litter free. All plant growth shall be trimmed to allow for maintenance of public utilities and unobstructed vision of traffic and traffic devices.

Section 15.40.060 Enforcement; Penalties.

The owner shall have sixty (60) days from date of issuance of final certificate of occupancy to complete landscaping. A fine of not more than \$200 per day may be imposed for violations of this chapter.

Section 15.40.070 Variances; Extensions.

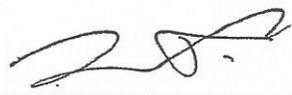
The owner may submit to the City Manager a written request for a variance. A variance for good cause shown may be granted in writing by the City Commission, in which event a Certificate of Variance shall be issued and filed with the Building Inspector as a permanent record. A variance shall be automatically revoked in the event a building permit for the project containing the approved variance has not been obtained within one (1) year or construction has not been completed within one (1) year after the building permit has been issued. The City Manager or designee may grant an extension not to exceed one (1) year in duration as deemed appropriate, upon written application made prior to expiration of the specified period.

BE IT FURTHER ORDAINED that all resolutions or ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer provision shall not be construed to revive any resolution or ordinance, or part thereof, heretofore repealed.

PASSED, ADOPTED AND ADOPTED this 5th day of June, 2006.




JAN FLETCHER, City Clerk


MONTY D. NEWMAN, Mayor



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2006

SUBJECT: For Adoption - An Ordinance Amending Chapter 15.40 of Title 15 of the Hobbs Municipal Code providing for landscaping requirements.

DEPT. OF ORIGIN: Parks & Recreation
DATE SUBMITTED: May 23, 2006
SUBMITTED BY: Mia Russell, Parks & Recreation Director

Summary: Over the past several months, the Community Affairs Board has reviewed the existing landscape ordinance and gathered input from staff and consultants regarding the effectiveness of the ordinance. Based on that research, the board has recommended changes to the existing ordinance that will improve the enforcement, as well as provide more significant impact in the area of beautification and aesthetics.

The Community Affairs Board recommended at their January 10, 2006 meeting, that proposed changes to the existing landscape ordinance be presented to the commission for consideration.

A meeting was held on May 10th with staff, one commissioner and several local general contractors to revise wording on the enforcement section of the proposed ordinance, which states that "The owner shall have sixty (60) days from date of issuance of final certificate of occupancy to complete landscaping. A fine of not more than \$200 per day may be imposed for violations of this chapter."

Other suggested changes include recommended size of plantings, an increase from one-half to three-quarters total frontage area landscaping and improved language regarding the site plan which must be submitted with the building plans.

Fiscal Impact:

Reviewed By: _____

Finance Department

Fiscal impact would only be realized if penalties were assessed by the municipal judge for non-compliance of the ordinance.

Attachments:

Amended Landscape Ordinance

Legal Review:

Approved As To Form: _____

City Attorney

Recommendation:

Approval of Amended Ordinance

Approved For Submittal By:

Mia Russell

Department Director

John White

City Manager

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COMMISSION ACTION TAKEN

Resolution No. _____

Ordinance No. _____

Approved _____

Other _____

Continued To: _____

Referred To: _____

Denied _____

File No. _____