

TOWN OF TAOS

# PUSHCART VENDOR PERMIT

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APPLICATION PACKET

PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT



# PUSHCART VENDOR PERMIT APPLICATION

Planning, Community and Economic Development Department  
400 Camino de la Placita  
Taos, NM 87571  
Phone (575-751-2016  
Fax (505) 751-2026



Pushcart Vendor # PC20 \_\_\_\_\_ - \_\_\_\_\_

## LOCATION (Circle one)

Taos Plaza

Kit Carson Park

Other (Private Property)

## DESIRED SPACE - Desired space is not guaranteed (Check one)

TAOS PLAZA					KIT CARSON PARK				
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

## PROPERTY INFORMATION (If other (Private Property) please provide Property Information)

Subject Property Address			
Property Owner Name			
Mailing Address			
City, ST, Zip Code			
Telephone Number		Cell Phone	
Email Address			
Acreage of Subject Property		Zone	
		# of Parking Spaces	

## TYPE OF OWNERSHIP (Circle one)

Sole Proprietor

Partnership

Corporation

LLC

Non-Profit

## SOLE PROPRIETOR AND PARTNERSHIPS (List name and address for all Owners/Partners)

Name, Address, Phone Number	
Name, Address, Phone Number	
Name, Address, Phone Number	
Name, Address, Phone Number	

**CORPORATIONS, LLC AND NON-PROFIT (List name and address for all Officers)**

President Name, Address, Phone Number,	
Vice President Name, Address, Phone Number	
Secretary Name, Address, Phone Number	
Treasurer Name, Address, Phone Number	

**PUSHCART VENDOR INFORMATION (If public property food and/or beverages only)**

Pushcart Vendor Business Name			
Pushcart Vendor Business Owner Name			
Mailing Address			
City ST ZIP Code			
Telephone Number		Cell Phone	
E-Mail Address			
New Mexico CRS Number (Hard copy of CRS # must be attached)			
EIN Number or Social Security Number (Hard copy of EIN Number must be attached)	EIN Number	Social Security Number	
Number of Employees (Including Owner(s))		Days and Hours of Operation	
Type of Pushcart Vendor Business			

**APPLICANCE/EQUIPMENT INFORMATION (Food Vendors only)**

Will propane be used? (Circle one)                      YES                      NO

Make		Model		Serial #	
Description					
Make		Model		Serial #	
Description					
Make		Model		Serial #	
Description					

## **PUSHCART VENDOR PERMIT APPLICATION SUBMITTAL CHECK LIST**

The following submittals are required in order to be considered for a Pushcart Vendor Business Permit. Please complete and submit this completed application along with the required documentation as outlined in Section 5.12, Article III Pushcart Vendors of the Town of Taos Municipal Code. Complete application packet shall be submitted to the Planning, Community and Economic Development Department. Incomplete, inadequate or late submittals will result in delay or rejection of the request for a Pushcart Vendor Permit. Please contact staff with questions regarding the submittals required herein.

### **\*NOTE: ALL DRAWINGS MUST BE DRAWN TO SCALE**

- Completed Pushcart Vendor Permit Application (For public property push cart vendor applications submit application by March 15 of each year, applications received after March 15<sup>th</sup> may be considered depending on need and availability of unissued permits)
- Pushcart Vendor Permit Application fee - \$150.00 Public Property / \$50.00 Private Property
- Fire Inspection fee - \$25.00
- Completed Fire Inspection Request Application
- If on private property a written lease or written permission of the owner of the property from which sales are to be made.
- Proof of property ownership – (Copy of most recent registered deed)
- Vicinity Map
- Photograph of the cart, the size of the cart, materials used. If the cart is not yet built, submit reasonably accurate drawings or blueprints, specifications, a color rendering of the cart and materials to be used.
- Photograph of the proposed signs and/or menu signs (prices must be displayed prominently on a sign) or submit a brief description of the sign(s) to be used. Signs must be attached to the push cart.
- Site Plan (minimum size 24" by 36", minimum scale 1" = 20'). Site plan shall depict all existing and proposed structures, setbacks, parking area, right-of-way and other applicable strict/standard requirements
- Submit a narrative describing the products proposed to be sold including prices
- Food Certificate from the New Mexico Environment Department (Food Vendor)
- Proof of comprehensive general public liability and property damage insurance naming the Town of Taos as an additional insured and providing coverage in at least the maximum liability amounts specified in the New Mexico tort claims act New Mexico Statutes Annotated Section 41-4-19. In the application, the applicant shall also indemnify and hold harmless the town of Taos against all liability, harm or claims arising out of the permitted use.
- For pushcart vendors on public property only: As a condition of obtaining a permit, such vendors shall allow the Town Police Department to conduct a background Investigation through the national crime and information center. Vendor shall provide the Town of Taos Police department

with a social security number, driver's license or other similar identification to perform the background check. If the background check discloses information indicating that the applicant is unfit, a permit shall not be issued, or if already issued shall be revoked.

- Approved Fire Inspection from the Town of Taos Fire Marshal (Food Vendor)
- All food vendors using propane must receive an inspection from the New Mexico LP Bureau and must adhere to the New Mexico Regulations Department (LP Gas Bureau Rules and Regulations for LP Gas (attached) before any Pushcart Vendor Permit is issued. Must submit inspection approval with application
- If any propane appliance or equipment is replaced a new inspection from the New Mexico LP Bureau must be completed and the new appliance or equipment information must be submitted to the Planning, Community and Economic Development Department along with the new inspection approval. (Must adhere to the requirements as outlined in the NM Regulations and Licensing Department L.P. Gas Bureau Rules and Regulations.
- All food vendors that offer food for sale shall be required to have an approved grease trap or proof that the grease is being disposed in an approved grease trap
- All vendors shall be required to dispose of garbage at an approved sanitary container, dumpster, etc.
- Submit a narrative explaining how the Pushcart Vendor Permit applied for will not create a danger to the public health, safety or welfare, nor cause an extraordinary expense, nor create a nuisance as per Article III of Section 5.12 Pushcart Vendors.
- Submit a brief explanation on the pushcart power supply and how it is consistent with state regulations (Pushcart vendors shall be responsible for their own power supply consistent with state regulations.)
- Owner's Affidavit (To be completed only when applicant has an agent)

### Agreement and Signature

I, the undersigned, understand that any discussions and/or other communications between any authorized representative for this application and any/all Town of Taos Staff members regarding this application do not constitute the entire review of this application and that additional and/or alternate conditions and/or requirements above and beyond those that may have been discussed may be required. I also realize that failure to include applicable application material(s) may result in the rejection of my application or delays in the approval process. I also certify that the signature(s) affixed to this application are those for the property owner and authorized agent. If I am the agent, I am including an owner's affidavit.

Property Owner Name (printed)	
Signature	
Date	
Business Owner Name (Printed)	
Signature	
Date	
Agent Name (Printed)	
Signature	
Date	

**Attached:**

Section 5.12, Article III Pushcart Vendors

Fire Inspection Request Form

Date Application Received: Stamped by Town of Taos.

APPROVED

DENIED

Code Administrator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Town Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Article III. Pushcart Vendors**

**5.12.140: PUSH CART VENDORS ON PRIVATE PROPERTY:**

- A. The town may grant yearly permits to pushcart vendors to sell food and beverages or nonfood items or both within the town limits, within the appropriate commercial zone, provided that written permission has been obtained from the property owner for the period of which the permit is requested. Pushcart vendors shall not be allowed in any area that may hinder the flow of vehicular or pedestrian traffic on public or private property, or block alleyways, fire zones, sidewalk, and other easements.
- B. Applicants for a pushcart vendor permit on private property will be required to comply with section 5.12.160 of this chapter and other requirements as may be prescribed by the town council prior to the issuance of a permit by the town. (Ord. 02-02 § 1, 2002)

**5.12.150: PUSH CART VENDORS ON PUBLIC PROPERTY; DESIGNATED LOCATIONS:**

- A. The town may grant up to ten (10) yearly permits as provided in subsection B of this section, to pushcart vendors to sell food and beverages in the historic downtown plaza area and at Kit Carson Park. Each permit is valid only between April 1 and Thanksgiving Day, unless sooner revoked. No person, partnership, corporation, or group may participate in or receive more than one permit. These permits will be issued for food and beverages only.
- B. The locations designated for use by pushcart vendors in the town are as follows:
  1. Five (5) pushcarts in the area of the town plaza (including alleyways).
  2. Five (5) pushcarts within the periphery of Kit Carson Park. (Ord. 11-06, 2011)

## **5.12.160: REQUIREMENTS FOR PERMIT APPLICATIONS:**

A. Application Requirements: Applications for permits may be accepted following the passage of this chapter. Each application shall include:

1. A photograph of the cart, the size of the cart, materials used and proposed signs. If a cart is not yet built, applicant may submit reasonably accurate drawings or blueprints, specifications and a color rendering of the cart, materials to be used and proposed signs.
2. Name, address and phone number of the applicant.
3. Site plan showing proposed location of the cart.
4. Proof of food inspection certificate from the state environment department.
5. A description of the products proposed to be sold, including prices.
6. Proposed days and hours of operation.
7. A state taxpayer identification number.
8. Proof of comprehensive general public liability and property damage insurance naming the town of Taos as an additional insured and providing coverage in at least the maximum liability amounts specified in the New Mexico tort claims act New Mexico Statutes Annotated section 41-4-19. In the application, the applicant shall also indemnify and hold harmless the town of Taos against all liability, harm or claims arising out of the permitted use.
9. All original applications shall become the property of the town and shall not be returned to the applicant.
10. For public property pushcart vendors only: As a condition of obtaining a permit, such vendors shall allow the town police department to conduct a background investigation through the national crime and information center. Vendor shall provide the town police department with a social security number, driver's license or other similar identification to perform the background check. If the background check discloses information indicating that the applicant is unfit, a permit shall not be issued, or if already issued, shall be revoked.

B. Procedure For Selection Of Public Property Permittees:

1. The town of Taos' permit and business registration technician shall receive applications by March 15 of each year and shall issue pushcart vendor permits upon the town manager's review. Applications received after March 15 may be considered depending on need and availability of unissued permits. Permits shall be issued by April 1. The criteria for evaluation shall include, but may not be limited to, the following:
  - a. Quality of products to be sold, and cost of product;
  - b. Design quality;
  - c. Compatibility with plaza and park activities;
  - d. Overall quality of proposal.
2. In evaluating the applications, preference shall be given to applicants who will be open for business at least five (5) full days a week.
3. Applicants shall be ranked numerically on the basis of criteria for evaluation of pushcart applications and permits shall be issued to the selected vendors. The decision of the town manager shall be final.

4. Prior to issuance of a permit to vend on public property, the applicant shall pay a user fee to the town of one hundred thirty five dollars (\$135.00), which is inclusive of the thirty five dollar (\$35.00) business registration fee. The user fee shall not be prorated for any portion of the year. Private property pushcart permittees shall pay a thirty five dollar (\$35.00) business registration fee. (Ord. 11-06, 2011)

**5.12.170: CONDITIONS OF OPERATION FOR PUSHCART PERMITTEES:**

- A. Each pushcart shall be limited to a six foot by nine foot (6' x 9') space, and each cart shall be no larger than four feet (4') wide by eight feet (8') long. Pushcarts shall be self-contained units that have the characteristic appearance of a pushcart, i.e., wheels, push handles, and un-motorized. Pushcarts may be constructed of wood or metal. Each cart shall also be equipped with a thirty two (32) gallon trash can, a fire extinguisher of the type required by the town fire marshal and an umbrella if desired. During inclement weather, a white or natural color covering may be utilized so long as it is properly secured and no larger than ten feet by ten feet (10' x 10') in dimension.
- B. Pushcarts shall pass an inspection by the town fire marshal prior to use.
- C. Pushcarts using propane heating sources shall pass an inspection by the LP gas inspector with the New Mexico regulation and licensing department construction industries division.
- D. Pushcarts shall pass an inspection by the state environment department and receive a food inspection certificate prior to vending.
- E. Pushcart vendors shall be responsible for their own power supply consistent with state regulations.
- F. Prices shall be displayed prominently on a sign approved by a town of Taos code enforcement official.
- G. Pushcart vendors shall commence operation no later than fourteen (14) days after the permit is issued. If not, the permit automatically expires. If the pushcart is not operated for more than fourteen (14) consecutive days within the operation period identified in subsection 5.12.150A of this chapter, the permit may be revoked and made available to others.
- H. Pushcart vendors shall conduct business only at the location authorized by the permit.
- I. Pushcart vendors shall maintain the area in proximity to the cart in a neat, clean, and hazard free and nuisance free condition and shall dispose of trash off the site.
- J. Pushcart vendors shall not obstruct traffic, create an impediment or hazard and shall adhere to other instructions as may be directed by the town police department.
- K. Pushcart vendors may not transfer or assign pushcart permits.
- L. Pushcart vendors may operate their pushcarts from eight o'clock (8:00) A.M. to eight o'clock (8:00) P.M. every day, including weekends, with the exception of: 1) town plaza area pushcarts during the annual Taos Fiestas, Taos Plaza Live and other commercial events; and 2) Kit Carson Park pushcarts during commercial events.
- M. Pushcart vendors shall not sell, possess, provide or allow within their pushcart space: 1) alcoholic beverages, 2) fireworks, 3) weapons, 4) spray paint or other substance capable of being applied to damage or deface public property, or 5) any other material, substance or display reasonably found by town officials to constitute a public nuisance or a threat to public health, safety and welfare. (Ord. 11-06, 2011)

**5.12.180: NONCOMPLIANCE; RIGHT TO REVOKE PERMIT:**



- A. If, in the reasonable opinion of the town manager, a pushcart vendor is in violation of any of the conditions of this chapter or any other regulation or provision of law, the town manager may revoke the permit, giving the pushcart vendor a minimum of twenty four (24) hours' notice of the revocation.
  
- B. If a public property pushcart permit is revoked, it may be awarded to the next qualified applicant for the remainder of the period in which pushcarts are permitted to operate. If the next qualified participant no longer wishes to operate a pushcart or is not available, then the town manager may award the pushcart permit to another qualified applicant. (Ord. 11-06, 2011)

# FIRE INSPECTION REQUEST APPLICATION

Town of Taos Fire Department  
 Taos Municipal Building  
 400 Camino de la Placita  
 Taos, NM 87571  
 Phone (575) 758-3386  
 Fax (575) 737-2665



CASE NO FI20 \_\_\_\_ - \_\_\_\_\_

## APPLICANT INFORMATION

Name			
Mailing Address			
City ST ZIP Code			
Subject Property Address			
Telephone Number		Cell Phone	
E-Mail Address			

### Business or Building CO Inspection (Check one)

Type of Facility	Fee
<input type="checkbox"/> Home Occupation Business (No clients coming to home Location)	No Fee
<input type="checkbox"/> Home Occupation Business (Clients coming to Home Location)	Fee based on square footage as outlined below
<input type="checkbox"/> Itinerant Vendor	\$25.00
<input type="checkbox"/> Businesses 3,000 sq. ft. or less	\$75.00
<input type="checkbox"/> Businesses 3,001 – 6,000 sq. ft.	\$150.00
<input type="checkbox"/> Businesses 6,001-9,000 sq. ft.	\$200.00
<input type="checkbox"/> Businesses 9,001-12,000 sq. ft.	\$250.00
<input type="checkbox"/> Businesses 12,001 sq. ft. or more	\$300.00
<input type="checkbox"/> 1,000+ sq. ft. membrane structures (tents)	\$50.00
<input type="checkbox"/> Open Burning Permit	Free

**Annual Fire Inspection Fees (Check One)**

Business Space Type	Fee
<input type="checkbox"/> Space of 1,500 sq. ft. or less	\$20.00
<input type="checkbox"/> Space of 1,501 to 3,000 sq. ft.	\$40.00
<input type="checkbox"/> Space of 3,001 to 6,000 sq. ft.	\$75.00
<input type="checkbox"/> Space of 6,001 to 9,000 sq. ft.	\$100.00
<input type="checkbox"/> Space of 9,001 sq. ft. or more	\$150.00
<input type="checkbox"/> Re-inspection	No fee – standard violation fines begin at this point

**Plan Review Fees (Check One)**

<input type="checkbox"/> Commercial Plan Review	Please list total square footage _____	\$0.035 per square foot
<input type="checkbox"/> Residential Fire Sprinkler Plans		\$50.00
<input type="checkbox"/> Commercial Fire Sprinkler Plans	Please list the number of devices _____	\$50.00 + \$1.00 per device over 50
<input type="checkbox"/> Commercial Fire Sprinkler Modification Plans		\$50.00
<input type="checkbox"/> Commercial Fire Alarm System Plans	Please list the number of devices _____	\$50.00 + \$1.00 per device over 50
<input type="checkbox"/> Commercial Hood Fire Suppression System Plans		\$50.00
<input type="checkbox"/> Fire Evacuation Plans		\$25.00

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Required Submittals**

- Set of Plans for Plan Review (Only for items listed under Plan Review Fees)
- Total Square Footage for all Commercial Plan Review
- Number of Devices for Commercial Fire Sprinkler Plans and Commercial Fire Alarm System Plans

# Plaza Push Cart Locations

