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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2025-19

INTRODUCED BY:

Councilor Signe Lindell

A BILL

ESTABLISHING A TEN (10) YEAR PLAZA PUSH CART VENDOR LICENSE FOR WHICH VENDORS WHO HAVE COMPLETED TWENTY- FIVE (25) CONSECUTIVE YEARS OF VENDING ARE ELIGIBLE TO APPLY.

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

Section 1. Section 23-5.5 of SFCC 1987 (being Ord. No. 2017-21, Section 2, as amended) is amended to read:

23-5.5 – Plaza pushcart vendors; licenses; requirements; selection process; conditions of operations

- A. *Short Title.* This section may be cited as the "Plaza Pushcart Ordinance."
- B. *Plaza Pushcart Vendor Licenses.* Plaza pushcart vendor licenses may be granted at the discretion of the city manager. Such licenses shall be privileges of the holders of a license, subject to the provisions of this chapter. Such licenses are not and shall not be construed as rights in property or otherwise; and may be revoked by the city at any time, subject to the provisions of this chapter.

1 C. *Number of Plaza Pushcart Vendor Licenses.* The city manager may issue up to six
2 (6) Plaza pushcart vendor licenses per term.

3 D. *Location.* At the discretion of the city, the locations of the plaza pushcart vendors
4 may be designated in the Plaza Park; the Plaza; or the Plaza periphery.

5 E. *Term.* A vendor license shall be valid for a period of five (5) or ten (10) years from
6 January 1 or the date issued, whichever is later, of the first year to December 31 of the fifth or tenth
7 year, as applicable, subject to the provisions of this chapter.

8 F. *Requirements for Plaza Pushcart Vendor License Applications.*

9 (1) The city shall give public notice of the application period by whatever no-
10 fee notice or announcement channels are available through local print, audio or video
11 media. [~~For the 2015-2017 license term, application shall be made during the month of~~
12 ~~April 2015. For the 2018-2022 license term, application shall be made during the month of~~
13 ~~October 2017.~~] Every five years [~~thereafter~~], application shall be made during the month
14 of September. The city manager may renew licenses for a five (5) year period or, for
15 vendors who have completed twenty- five (25) consecutive years of vending and have
16 remained in good standing with the city, a ten (10) year period.

17 (2) Each applicant shall be required to:

18 (a) Pay an application fee. The application fee shall be established by
19 a resolution adopted by the governing body;

20 (b) Allow disclosure of the applicant's name and address as a matter
21 of public record;

22 (c) Provide a state taxpayer identification number;

23 (d) Except for new businesses, provide a letter of good standing from
24 the New Mexico taxation and revenue department and the New Mexico
25 environment department;

- 1 (e) Be a resident of Santa Fe county;
- 2 (f) Describe on the application the type of food product the applicant
- 3 will offer for sale, including prices; and
- 4 (g) Designate on the application the proposed hours of operation of
- 5 the Plaza pushcart.
- 6 (3) Only one (1) Plaza pushcart vendor license shall be allowed per immediate
- 7 family.
- 8 (4) The applicant shall affirm, in the presence of a notary public, that if the
- 9 applicant is granted a Plaza pushcart vendor license:
- 10 (a) The license fee, or any portion thereof, is nonrefundable.
- 11 (b) During the term of the license, the applicant shall maintain
- 12 adequate insurance in at least the amounts stated in the New Mexico Tort Claims
- 13 Act and shall provide proof of such insurance coverage to the city on an annual
- 14 basis during the term of the license. The insurance policy shall:
- 15 (i) Name the city of Santa Fe as an additional insured on the
- 16 policy; and
- 17 (ii) State that the city shall be notified no less than thirty (30)
- 18 days in advance of cancellation of such insurance policy for any reason.
- 19 Prior to operation as a Plaza pushcart vendor, the Plaza pushcart vendor
- 20 shall furnish the city with a copy of a certificate of insurance.
- 21 (c) The applicant shall comply with all provisions of the Plaza
- 22 Pushcart Ordinance, subsection 23-5.5 SFCC 1987, and any other applicable laws;
- 23 and acknowledges that violation of this section or any other applicable law
- 24 constitutes grounds for permanent revocation of the license.
- 25 (5) An application may not be submitted by any person who previously was

1 issued a Plaza pushcart vendor license whose license was revoked according to the
2 procedures for revocation of the license set forth in subsection 23-5.5J.

3 (6) Each application shall include:

4 (a) Four (4) photographs of the Plaza pushcart vendor's cart, with
5 views of the front, back and each side of the cart, and the specifications of the cart;
6 or

7 (b) A set of blueprints and specifications of each elevation of the
8 proposed cart, if the cart has not been built.

9 (7) If a Plaza pushcart license is awarded, the vendor shall be required to
10 obtain a permit to operate as a food establishment from the New Mexico environment
11 department.

12 (8) Each applicant shall submit six (6) copies of the application, with original
13 photographs or blueprints and specifications attached. Photographs shall have been taken
14 no more than one (1) year before the date the application is submitted. Photographs shall
15 be no larger than eight and one-half inches by eleven inches (8½"×11").

16 (9) Each application shall be reviewed by city staff for completeness.
17 Incomplete applications shall not be considered.

18 (10) The pushcart vendor license fee, as established by resolution of the
19 governing body, shall be paid to the city. No refund of any portion of the fee shall be made
20 when a license is relinquished or revoked. If fees are not paid accordingly, the license shall
21 be revoked.

22 G. *Procedures for License Selection.*

23 (1) When ~~necessary~~ there are more applicants than available licenses, the
24 city manager shall designate a jury panel comprised of five (5) members who are residents
25 of the city of Santa Fe to select the Plaza pushcart vendors. Prior to the designation of the

1 panel, the city shall disclose the names of the pushcart applicants to potential panel
2 members and the names of the potential panel members to the applicants.

3 (a) A jury panel member shall be prohibited from serving on the panel
4 if they are related to an applicant for a Plaza pushcart license by consanguinity or
5 affinity to the third degree. For purposes of this section consanguinity means
6 related by blood; affinity means one's spouse or related through one's spouse; and
7 third degree means aunts, uncles, nieces and nephews.

8 (b) A jury panel member shall not be allowed to serve on the panel if
9 they have a conflict of interest with any applicant in accordance with the city of
10 Santa Fe Code of Ethics Ordinance, Section 1-7 SFCC 1987.

11 (c) Each jury panel member shall affirm that they shall be fair and
12 impartial during the selection process.

13 (2) The jury panel shall review and score each application separately. Scoring
14 shall be based on the following number of points and criteria:

15 (a) Up to fifty (50) points for quality, freshness, taste and cost of food.

16 (b) Up to thirty (30) points for a personal interview with the applicant,
17 at which time the applicant shall be required to explain how each food item that
18 the applicant is proposing to sell is prepared and demonstrate how at least one food
19 item is prepared.

20 (c) Up to ten (10) points for the design of the pushcart.

21 (d) Up to ten (10) points for compatibility and diversity of the
22 pushcart and food items with Plaza activities.

23 (3) Scores shall be calculated by city staff. The results shall be ranked
24 numerically and licenses shall be awarded in order of rank, from highest score to lowest.

25 In the event there is a tie in the ranking of applicants, the jury panel shall determine the

1 appropriate means by which the tie shall be broken. The city shall provide written notice
2 of the jury panel's ranking. An applicant may appeal to the city manager the decision of the
3 jury panel within fifteen (15) days of the date of the city's notice of ranking. The city
4 manager or their designee has sole discretion to grant or deny the appeal. The ranking of
5 applications may be adjusted based on the outcome of the appeal process.

6 (4) After the appeal period has ended and any adjustments have been made to
7 the ranking, the city shall mail notification of approval of licenses to the successful
8 applicants.

9 (5) Prior to issuance of any license, the city shall assign pushcart spaces on
10 the Plaza Park, the Plaza or the Plaza periphery. An applicant who had a license the
11 previous license period who receives a license for the upcoming license period may retain
12 the space ~~he or she~~ the applicant used previously. Otherwise, spaces shall be assigned by
13 means of a lottery.

14 (6) Each successful applicant shall obtain a city business registration as set
15 forth in Section 18-2 SFCC 1987 for use only on the Plaza, in the Plaza park or on the Plaza
16 periphery.

17 (7) The annual Plaza pushcart vendor license fee may be paid in full or in two
18 (2) increments. The full or initial increment shall be paid within thirty (30) days of the date
19 of the written notification of approval; the second increment shall be paid no later than six
20 (6) months from the date of issuance of the license. If the license fee is not paid within
21 thirty (30) days of the date of the written notification, the license shall be issued to the
22 applicant with the next-highest score.

23 (8) Vendors who have had a plaza vendor license for twenty-five (25) years
24 or more without recorded violations of the Plaza Pushcart Ordinance, SFCC 1987, Section
25 23-5.5, may apply to renew their pushcart vendor licenses for ten (10) years. Vendors

1 applying for a ten-year permit shall do so as described in 23-5.5(F), but they are not
2 required to submit the photos and blueprints required by parts (F)(6) and F(8). In addition,
3 vendors applying for a ten-year permit are not subject to the jury review described in parts
4 G(1) through (4). Vendors with a ten-year permit shall pay the annual pushcart vendor
5 license fee as described in Section 23-5.5(G)(7), in addition to the application fee described
6 in F(2), and may apply for subsequent ten (10) year permits.

7 (9) In the event that a Plaza pushcart vendor space is available but no qualified
8 applicant remains from the selection process, the city may repeat the selection process and
9 issue licenses for the remaining time.

10 H. *Conditions of Operation.*

11 (1) Plaza pushcart license holders are prohibited from receiving money, goods
12 or services for use of their designated space.

13 (2) Plaza pushcart vendors shall not hinder or impede pedestrian flow on any
14 sidewalk within the Plaza Park or traffic flow on any street surrounding the Plaza Park.

15 (3) Plaza pushcarts shall occupy no more than ninety-six (96) square feet
16 (twelve feet by eight feet (12'x8')). Such space shall include a cart no larger than four feet
17 by eight feet by eight feet (4'x8'x8'), an umbrella if desired, a thirty-two-gallon trash can
18 and a fire extinguisher (class 2A1OBC) as required by the city fire code.

19 (4) Plaza pushcarts shall pass a city mandated fire inspection.

20 (5) During the term of the license, push cart vendors may offer for sale only
21 the products that were indicated on the license application and accepted by the jury panel.

22 (6) Loud speakers, for voice transmission and amplification of music,
23 banging, hawking or yelling are prohibited.

24 (7) Signs of all types are prohibited except the following:

25 (a) Standard size business cards;

1 (b) A sign that provides method of payment, not to exceed eight and
2 one-half by five and one-half inches (8½"×5½"); and

3 (c) A total of three (3) square feet for a sign or signs, attached to the
4 cart, which may include the name of the business and the menu.

5 (8) The pushcart vendor's current business registration shall be available
6 onsite for inspection at all times of operation.

7 (9) The pushcart vendor shall identify on the application the names of the
8 individuals who are authorized to sell from the pushcart, along with the vendor. Such
9 individuals may include one (1) member of the pushcart vendor's immediate family, or
10 designee, one (1) non-immediate family member and one (1) employee of the vendor. Up
11 to two (2) times per year, during the license term, the license holder may change the names
12 of the designated individuals. If a vendor's or authorized person's name or address changes,
13 the vendor shall update the vendor's registration with the updated information within thirty
14 (30) days of the change.

15 (10) The pushcart vendors shall operate their licenses as follows:

16 (a) For the months of March through October, pushcart vendors shall
17 be set up a minimum of twenty (20) days per month, for six (6) hours per day,
18 between the hours of 8:00 a.m. to 10:00 p.m., during the term of the license. This
19 requirement may be modified by the city because of inclement weather.

20 (b) During the months of November through February, pushcart
21 vendors may be set up as the weather permits.

22 (c) Pushcart vendors shall not be set up after 12:00 noon on a day
23 prior to a major commercial event specified in subsection 23-5.2A SFCC 1987 or
24 at any time on the days a major commercial event is held on the Plaza. A pushcart
25 vendor may apply to the sponsors of the major commercial events for inclusion as

1 one of the vendors at that event.

2 (d) The city may request that pushcart vendors cease operation due to
3 construction, for security reasons or in the event of an emergency.

4 (11) The city shall designate temporary vehicle parking for the setup or tear
5 down of pushcarts provided that Plaza pushcart vendors shall obtain a loading zone permit
6 from the city parking division and comply with the requirements for such permit.

7 (12) Plaza pushcart vendors shall be liable for paying applicable municipal
8 gross receipts tax and submit a current letter of good standing from the New Mexico
9 taxation and revenue department to the city manager or designee in a sealed envelope.
10 Letters shall be submitted on an annual basis no later than December 31. A plaza pushcart
11 vendor license is subject to revocation if any plaza pushcart vendor fails to deliver a current
12 letter of good standing to the city manager or designee.

13 (13) The city manager may adopt a code of conduct that shall apply to all
14 pushcart vendors.

15 I. *Transfer of License.* A license is not transferable except as follows:

16 (1) If at any time after issuance of a license, a pushcart vendor is not going to
17 use a license, the vendor shall notify the city and relinquish the license.

18 (2) The city may revoke a license if the city determines that the license has
19 not been used for more than twenty (20) days within a calendar month, for the months of
20 March through October. The city may offer the remaining time on the license to the next
21 qualified applicant from the selection process set forth in this section.

22 (3) If a pushcart vendor dies or becomes incapacitated, the city manager may
23 offer the remaining time on the license to a member of the Plaza push cart vendor's
24 immediate family, or designee, who has been identified on the application. However, at the
25 expiration of the license period, that immediate family member or designee shall be

considered a new applicant in the selection process should they decide to apply.

J. *Enforcement.*

(1) The city shall inspect all pushcarts at least monthly to confirm compliance with this section and any applicable laws. Upon determining that the pushcart vendor is in violation of any provision of this section, the city may suspend or revoke the license subject to the provisions of Section 23-5 SFCC 1987.

(2) The city shall investigate complaints alleging violation of this section provided that the complaint is signed by the complainant and includes the complainant's telephone number and address.

(3) Any vendor found to be out of compliance with this section shall be notified in writing, by certified mail or personal service, of the violation and shall have ten (10) calendar days from the date of the notice to come into compliance. If the violation is not corrected, the vendor shall be notified in writing, by certified mail or personal service, that the license is suspended for fifteen (15) days. If the vendor is found to not be in compliance a second time within a license period, the vendor shall be notified in writing, by certified mail or personal service, that the license is suspended for thirty (30) days. If the vendor is found to not be in compliance a third time within a license period, the vendor shall be notified in writing, by certified mail or personal service, that the license is revoked.

(4) Within five (5) calendar days of receiving a notice of violation, a vendor may request a hearing before the city manager or their designee.

K. *Termination of Pushcart Vendor License.* The city of Santa Fe reserves the right to terminate any or all Plaza pushcart vendor licenses, with or without cause, if such termination is found to be in the best interest of the city of Santa Fe. In the event of termination, the city shall provide a thirty-day written notice to each pushcart vendor whose license is being terminated.

L. *Amendments.* The city of Santa Fe reserves the right to amend the Plaza Pushcart

1 Vendor Ordinance prior to the expiration of any Plaza pushcart vendor license.

2 M. *Continuation of Plaza Pushcart Vendor License.* In the event that a jury panel has
3 not been established or the applications have not been issued, the city manager may
4 administratively extend the term of a license, not more than two (2) times, for no more than a six-
5 month period each time.

6 N. *Review.* This subsection shall be reviewed by the governing body within one (1)
7 year of adoption.

8 O. *Effective Date.* This subsection shall become effective immediately upon adoption
9 by the governing body.

10 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2025.

11 APPROVED AS TO FORM:

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13 [Erin McSherry \(Aug 21, 2025 11:54:44 MDT\)](#)

14 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/Bill/2025/Updating Permit Requirement for long-Standing Plaza Vendors*