



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909  
www.santafenm.gov

*Alan Webber, Mayor*

Councilors:

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Renee Villarreal, District 1  
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Carol Romero-Wirth, District 2  
Roman "Tiger" Abeyta, District 3  
Chris Rivera, District 3  
Jamie Cassutt-Sanchez, District 4  
JoAnne Vigil Coppler, District 4

Dear Applicant,

Thank you for showing your interest in the Santa Fe Plaza Park Pushcart Program. The attached application packet included the following documents:

- A list of required submittals
- An Affirmation Form, to be notarized and signed by the applicant
- A License Application
- Food Booth Requirements
- Ordinance NO. 2017-21
- Resolution NO. 2015-5 and Resolution NO. 2009-120

It is strongly recommended that you read all the attached documents thoroughly in order to verify that you meet the minimum qualifications to participate in this program and to have a complete understanding of the requirements, rules, and regulations of this program.

City code §23-5.5 is the law that governs the Santa Fe Plaza Park Pushcart Vendor Program and establishes the requirements for vendor license applications, the process for license selection, the conditions of operation and enforcement. This ordinance also addresses the transferring of licensee, termination of license, future amendments, continuation of license and a mandatory one year review of the ordinance. Resolution NO. 2009-120 establishes an application fee of twenty-five dollars (\$25.00) per applicant and Resolution NO. 2015-5 establishes the license fee for the pushcart license.

Due to COVID-19 our offices are currently closed to the public. Please call when you are ready to submit your application to schedule an appointment at 505-955-6048.

Applications are to be submitted in person to the Office of Constituent Services, located at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico 87501. Applications will be reviewed for completeness. Incomplete applications will **not** be accepted. The application fee will be collected at the time your application is reviewed and approved.

The deadline to submit your application is Friday, June 18, 2021 by 4:00 P.M.

Thank you,

Isabella L. Sharpe  
Constituent Services Specialist Senior



**CITY OF SANTA FE  
PLAZA PARK PUSH CART VENDOR APPLICATION  
REQUIRED SUBMITTALS**

**\*Six (6) Original Applications are required\***

**\*\* All photographs shall be labeled including applicant's name; pictures will not be returned \*\***

Applications shall include the following:

- 1) A letter of interest
- 2) Resume
- 3) Signed and notarized affirmation form (see attachment)
- 4) Applicants shall provide a State of New Mexico CRS taxpayer identification number (list it on your application)
- 5) Except for New Businesses: A Letter of Good Standing from New Mexico Tax and Revenue
- 6) A completed Santa Fe Plaza Pushcart Vendor License Application
- 7) Four (4) photographs of the plaza pushcart vendor's cart, with views of the front, back, and each side of the cart, and the specification of the cart; or a set of blueprints and specifications of each elevation of the proposed cart, if the cart has not been built.
- 8) Six (6) copies of the application, with original photos attached. Photographs shall have been taken no more than one (1) year before the date the application is submitted.
- 9) Photographs of the applicant and every other person named on the application (labeled with names). Photographs shall have been taken no more than one (1) year before that date of application submittal.
- 10) Copies of prior Plaza Part Pushcart Licenses (if applicable)
- 11) Proof of Santa Fe County Residency (Driver's License, voter's registration card, or your City of Santa Fe Utility Bill)

**Please Note:**

- Photographs, digital images and reproductions shall be no larger than eight and one-half (8 ½) inches by eleven (11) inches.
- You may submit your application in CD format
- The city may request proof of familial relationship, for example: marriage certification or birth certificate.



**CITY OF SANTA FE**

**Plaza Park Pushcart Vendor**

**AFFIRMATION**



I hereby affirm the license fee, or any portion thereof, is nonrefundable pursuant to § 23-5.5 F (4)(a) SFCC 1987.

I hereby affirm that should a Plaza Pushcart Vendor License be issued to me, I will maintain adequate insurance in at least the amounts stated in the New Mexico Tort Claims Act and shall provide proof of such insurance coverage to the city on an annual basis during the term of the license. The insurance policy shall:

Name the city as an additional insured on the policy; and

State that the city shall be notified no less than thirty (30) days in advance of cancellation of such insurance policy for any reason, the Plaza Pushcart vendor shall furnish the city with a copy of a certificate of insurance pursuant to § 23- 5.5 F (4)(b) SFCC 1987.

I hereby agree to have my commissary inspected regularly throughout the term of the license period to ensure compliance with all City, State and Federal requirements pursuant to § 23-5.5 JSFCC 1987.

I hereby affirm that the City Council has given the City Manager the authority to enforce or impose sanctions for a violation of any of the conditions of the Pushcart Ordinance including up to revocation of my license pursuant to §23-5.5 J Enforcement SFCC 1987.

I hereby affirm in front of a notary public that all information included in and with my application is true and correct to the best of my knowledge; that I, the applicant, if a license is issued will comply with all provisions of § 23-5.1 and § 23-5.5 SFCC 1987, and any other applicable laws; and acknowledge that violations of this section or any other applicable laws constitutes grounds for permanent revocation of this license pursuant to § 23-5.5 F (4)(c) SFCC 1987.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_, 201\_\_



**CITY OF SANTA FE**  
**Plaza Park Pushcart Vendor**  
**License Application**



PO Box 909  
 Santa Fe, NM 87504-0909

(505) 955-6949  
 Fax (505) 955-6683

*Only completed applications will be accepted*

**Name of Applicant:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Cell Phone:** \_\_\_\_\_ **Email Address:** \_\_\_\_\_

**Business Name:** \_\_\_\_\_

**Type of Ownership** *(Please circle one)*:    Corporation    Partnership    Private Owner    Sole Proprietor    LLC    or Non-Profit

**Food Product** \_\_\_\_\_ **Price Range** \_\_\_\_\_ **Proposed hours of Operation** \_\_\_\_\_

**Name of Commissary:** \_\_\_\_\_

**Address of Commissary:** \_\_\_\_\_

**Have you ever had a plaza pushcart vendor license before?** *(Please circle one)*    Yes    No  
 If yes, what years? \_\_\_\_\_    What is the license control number? \_\_\_\_\_

**Food Establishment Permit:**    *Permit Number:* \_\_\_\_\_    *Expiration Date:* \_\_\_\_\_

<b>LIST OWNERS, PARTNERS OR CORPORATE OFFICERS:</b>		
Name and Title	Home Address/City/State/Zip Code	DL#
_____	_____	_____
_____	_____	_____

<b>LIST NAMES OF THE PERSONS THAT WILL HELP THE APPLICANT SELL THE PRODUCT:</b>		
Name and Title	Home Address/City/State/Zip Code	DL#
_____	_____	_____
_____	_____	_____

**Federal ID#** \_\_\_\_\_

**CRS#** \_\_\_\_\_

**Emergency Phone:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>		
Control # _____	Registration Fee: \$ _____	Code _____
License # _____	Plaza Vendor Fee: \$ _____	Code _____
1 <sup>st</sup> Payment Date: _____	Receipt # _____	Amt: \$ _____
2 <sup>nd</sup> Payment Date: _____	Receipt # _____	Amt: \$ _____

# Food Booth Requirements

## 1. Fire Extinguisher.

All booths shall provide one **2A10BC (5lb.) class** fire extinguisher with a current inspection tag by an approved business. If using a deep fryer with one cup or more of oil you shall provide **one K class** fire extinguisher with a current inspection tag by an approved business. Extinguisher shall be mounted in a visible and accessible location. All attendants shall be familiar with its operation and location.

## 2. First-Aid Kit.

A First-Aid kit shall be provided.

## 3. Fire Blanket.

A 6 1/2 x 7 foot close-weave wool or cotton blanket shall be provided and available at all times. Synthetic fabrics will not be allowed.

## 4. Booths.

Shall be erected in a safe and sound manner.

- a. Roof/ceiling shall be of a non-combustible material – i.e., corrugated metal or other non-flammable rated materials that have the California State Fire Marshal Seal of Approval.
- b. Side walls shall be of either plywood (minimum 1/2") or other non-flammable rated materials that have the California State Fire Marshal Seal of Approval with 2 x 4 studs or tubular steel frame.
- c. Doors and/or other openings shall be protected with wire mesh. Plastics or other combustible materials shall not be used.

## 5. Food Booth Trailers, Corn Roasters, & Smokers.

Food booths built upon mobile type trailer shall meet the minimum requirements for food booths in addition to the following:

- a. Trailers shall not be larger than their assigned space.
- b. Tongues shall be removable or have an approved barrier around it.
- c. Corn roasters and meat smokers shall have approved barriers to prevent the public from burns.

## 6. Fire Hydrant.

There will be no booths of any kind or other obstructions within 10 feet of a fire hydrant.

## 7. Stove Areas.

All cooking appliances shall be kept clean and free of excess grease at all times. A sheet metal backing must be provided behind each cooking stove. Backing shall extend 10 inches beyond the cooking side area and 36 inches above the burners or grill surface. There shall be a 6 inch clearance from cooking surface to any combustible materials.

## 8. Fuel.

Booths using Coleman-type stoves shall provide metal storage containers for extra fuel cans not to exceed 6 (six) gallons.

## 9. Charcoal.

Charcoal or solid fuel cooking appliances shall not be allowed without prior Fire Department approval. Vendors using charcoal will provide a suitable hood and chimney. All combustible materials shall be kept away from hood and chimney flues.

## 10. Housekeeping.

It will be the duty of the booth operator to police the area on a continuing basis and see that the area adjacent to the booth is kept clean and neat at all times.

## 11. Exits.

Shall be kept free and clear of any obstructions at all times.

## 12. Cleaning.

Hoods, grease removal devices, fans, ducts, and other appurtenances shall be cleaned on a daily basis.

**The cooperation of booth operators will be expected as the above Rules and Requirements will be strictly enforced.**

**If there are any violations found the food vendor will NOT be allowed to operate.**

## **23-5 REGULATIONS FOR THE USE OF THE PLAZA AND PLAZA PARK - MAJOR COMMERCIAL EVENTS AND PLAZA ARTISTS/ARTISANS.**

Intent. The Plaza and Plaza Park are the heart of the city. Its usage should be creative, evolving and non-institutionalized. Standards should encourage variety, equity in usage and regulations, and respect for the important role the Plaza and Plaza Park play in the life of Santa Fe.

### **23-5.1 Definitions.**

As used in this chapter:

- A. *Artist/artisan* means a person who designs and creates arts or crafts.
- B. *Artwork* means an object for sale by an artist/artisan.
- C. *Bicycle* means a vehicle with two (2) wheels tandem, a steering handle, a saddle seat, and pedals by which it is propelled.
- D. *Canyon Road Periphery Area* means an area bounded by Paseo de Peralta on the west, the southern right-of-way line of East Alameda Street on the north, East Palace Avenue and Camino del Monte Sol on the east, and Canyon Road and Acequia Madre Street on the south. This area includes both sides of the boundary streets, except along the southern right-of-way line of East Alameda Street. (Editor's Note: A copy of the Canyon Road Periphery Area can be found at the end of this chapter.)
- E. *Collective* means a nonprofit organization that shares the use of the license among three (3) to seven (7) nonrelated artists/artisans.
- F. *Collective license* means a Plaza Park artist/artisan license issued to a collective.
- G. *Commercial use* means any function or event at which goods, artwork, foodstuffs, merchandise of any kind are offered for sale.
- H. *Community Days Festival* means a city sponsored event promoting the programs and services offered by local nonprofit organizations, performances by multicultural, youth, and school groups and celebrating the diversity of Santa Fe.
- I. *Findings* mean mechanical fittings in a great variety, either commercially available or handmade, used to hold jewelry to the clothing or the person, i.e., ear wires, screw backs, broach pins, chains, gallery bezel wire or hollow beads.
- J. *Handmade* means the design and creation of the artwork from raw materials and its finishing and decoration were accomplished by hand labor and by manually controlled methods that permit the maker to control and vary the construction shape, design and/or finish of each individual piece, but does not exclude the use of findings, hand tools and equipment nor does it exclude the hand assembly of premanufactured components in a creative manner.

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

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

M. *Machine made* means the producing or reproducing of artwork in mass production by mechanical processes such as stamping, blanking, weaving, molds or offset printing and other printing methods that allow mass production except as allowed by these regulations.

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

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

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

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

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

S. *Plaza* means that inclusive area bounded on the north by the north curblineline of Palace Avenue running in front of the Palace of the Governors, and on all other sides by the facades of the buildings, excluding portals, or property lines lying to the east, south and west of the Plaza Park as outlined in the map prepared by the city, labeled "Plaza Park Map." (Editor's Note: The Plaza Park Map may be found at the end of this chapter.)

T. *Plaza Park* means that inclusive area bounded by the inside back of the curb surrounding the Plaza as outlined in the map prepared by the city, labeled "Plaza Park Map." (Editor's Note: The Plaza Park Map may be found at the end of this chapter.)

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

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

W. *Plaza periphery area* means an area outside the Plaza Park, not including the Plaza Park, bounded by Sandoval and Grant Streets on the west, Alameda Street on the south, Paseo de Peralta on the east and Marcy Street on the north. This area includes both sides of the boundary streets.

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

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

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

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

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

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

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

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

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

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

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

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

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

### **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.

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

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

E. *Term.* A vendor license shall be valid for a period of three (3) years from January 1 or the date issued, whichever is later, of the first year to December 31 of the third year, subject to the provisions of this chapter.

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

(1) The city shall give public notice of the application period by whatever no-fee notice or announcement channels are available through local print, audio or video media. For the 2015-2017 license term, application shall be made during the month of April 2015. For the 2018-2020 license term, application shall be made during the month of September 2017. Every three years thereafter, application shall be made during the month of September.

(2) Each applicant shall be required to:

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

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

(c) Provide a state taxpayer identification number;

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

(e) Be a resident of Santa Fe county;

(f) Describe on the application the type of food product the applicant will offer for sale, including prices; and

(g) Designate on the application the proposed hours of operation of the Plaza pushcart.

(3) Only one (1) Plaza pushcart vendor license shall be allowed per immediate family.

(4) The applicant shall affirm, in the presence of a notary public, that if the applicant is granted a Plaza pushcart vendor license:

(a) The license fee, or any portion thereof, is nonrefundable.

(b) During the term of the license, the applicant shall maintain adequate insurance in at least the amounts stated in the New Mexico Tort Claims Act and shall provide proof of such insurance coverage to the city on an annual basis during the term of the license. The insurance policy shall:

(i) Name the City of Santa Fe as an additional insured on the policy;  
and

(ii) State that the city shall be notified no less than thirty (30) days in advance of cancellation of such insurance policy for any reason.

Prior to operation as a Plaza pushcart vendor, the Plaza pushcart vendor shall furnish the city with a copy of a certificate of insurance.

(c) The applicant shall comply with all provisions of the Plaza Pushcart Ordinance, subsection 23-5.5 SFCC 1987, and any other applicable laws; and acknowledges that violation of this section or any other applicable law constitutes grounds for permanent revocation of the license.

(5) An application may not be submitted by any person who previously was issued a Plaza pushcart vendor license whose license was revoked according to the procedures for revocation of the license set forth in subsection 23-5.5J.

(6) Each application shall include:

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

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

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

(8) Each applicant shall submit six (6) copies of the application, with original photographs or blueprints and specifications attached. Photographs shall have been taken no more than one (1) year before the date the application is submitted. Photographs shall be no larger than eight and one-half inches by eleven (8 1/2" x 11") inches.

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

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

G. *Procedures for License Selection.*

(1) When necessary, the city manager shall designate a jury panel comprised of five (5) members who are residents of the City of Santa Fe to select the Plaza pushcart vendors. Prior to the designation of the panel, the city shall disclose the names of the pushcart applicants to potential panel members and the names of the potential panel members to the applicants.

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

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

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

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

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

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

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

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

(3) Scores shall be calculated by city staff. The results shall be ranked numerically and licenses shall be awarded in order of rank, from highest score to lowest. In the event there is a tie in the ranking of applicants, the jury panel shall determine the appropriate means by which the tie shall be broken. The city shall provide written notice of the jury panel's ranking. An applicant may appeal to the city manager the decision of the jury panel within fifteen (15) days of the date of the city's notice of ranking. The city manager or his designee has sole discretion to grant or

deny the appeal. The ranking of applications may be adjusted based on the outcome of the appeal process.

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

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

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

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

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

#### H. *Conditions of Operation.*

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

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

(3) Plaza pushcarts shall occupy no more than ninety-six (96) square feet (twelve feet by eight feet (12' x 8')). Such space shall include a cart no larger than four feet by eight feet by eight feet (4'x 8' x 8'), an umbrella if desired, a thirty-two (32) gallon trash can and a fire extinguisher (class 2A IOBC) as required by the city fire code.

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

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

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

- (7) Signs of all types are prohibited except the following:
- (a) Standard size business cards;
  - (b) A sign that provides method of payment, not to exceed eight and one-half by five and one-half (8 1/2" x 5 1/2") inches; and
  - (c) A total of three (3) square feet for a sign or signs, attached to the cart, which may include the name of the business and the menu.
- (8) The pushcart vendor's current business registration shall be available on site for inspection at all times of operation.
- (9) The pushcart vendor shall identify on the application the names of the individuals who are authorized to sell from the pushcart, along with the vendor. Such individuals may include one (1) member of the pushcart vendor's immediate family, or designee, one (1) non-immediate family member and one (1) employee of the vendor. Up to two (2) times per year, during the license term, the license holder may change the names of the designated individuals.
- (10) The pushcart vendors shall operate their licenses as follows:
- (a) For the months of March through October, pushcart vendors shall be set up a minimum of twenty (20) days per month, for six (6) hours per day, between the hours of 8:00 a.m. to 10:00 p.m., during the term of the license. This requirement may be modified by the city because of inclement weather.
  - (b) During the months of November through February, pushcart vendors may be set up as the weather permits.
  - (c) Pushcart vendors shall not be set up after twelve o'clock noon (12:00) on a day prior to a major commercial event specified in subsection 23-5.2A SFCC 1987 or at any time on the days a major commercial event is held on the Plaza. A pushcart vendor may apply to the sponsors of the major commercial events for inclusion as one of the vendors at that event.
  - (d) The city may request that pushcart vendors cease operation due to construction, for security reasons or in the event of an emergency.
- (11) The city shall designate temporary vehicle parking for the setup or tear down of pushcarts provided that Plaza pushcart vendors shall obtain a loading zone permit from the city parking division and comply with the requirements for such permit.
- (12) Plaza pushcart vendors shall pay municipal gross receipts tax and submit copies of combined reporting systems (CRS) tax returns to the city manager or designee in a sealed envelope. CRS returns shall be submitted on a bi-annual basis for the reporting periods ending June 30 and December 31 and the submittal shall include all reporting periods (whether the

vendor files monthly, quarterly or bi-annually), with the dates of the returns corresponding with the term of the license. A pushcart vendor license is subject to revocation if any pushcart vendor fails to deliver the CRS tax returns to the city manager or designee. It is unlawful for any employee of the City of Santa Fe to reveal to any individual other than another employee of the City of Santa Fe any information contained in a pushcart vendor CRS return except in such manner, for statistical purposes, that the information revealed is not identified as applicable to any individual taxpayer.

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

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

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

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

(3) If a pushcart vendor dies or becomes incapacitated, the city manager may offer the remaining time on the license to a member of the Plaza push cart vendor's immediate family, or designee, who has been identified on the application. However, at the expiration of the license period, that immediate family member or designee shall be considered a new applicant in the selection process should he 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 his 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 (30) 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 Vendor Ordinance prior to the expiration of any Plaza pushcart vendor license.

M. *Continuation of Plaza Pushcart Vendor License.* In the event that a jury panel has not been established or the applications have not been issued, the city manager may administratively extend the term of a license, not more than two (2) times, for no more than a six (6) month period each time.

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

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



1 need to increase the annual license fee for Plaza pushcart vendors.

2 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
3 **CITY OF SANTA FE THAT** the Governing Body hereby amends Resolution No. 2002-79 to  
4 increase the annual license fee for Plaza pushcart vendors from the current annual fee of \$1,500.00 to:

5 \$2,000 for the first year of the 2015-2017 License Term;

6 \$2,500 for the second year of the 2015-2017 License Term; and

7 \$3,000 for the third year of the 2015-2017 License Term.

8 The annual license fee shall be reviewed by the Governing Body no later than June 30, 2017.

9 **BE IT FURTHER RESOLVED** that after the 2015-2017 License Term, the annual license  
10 fee shall be increased by 2% per term of a pushcart vendor license. Pursuant to Subsection 23-5.5  
11 SFCC 1987, the term of a license is three years. The following table reflects the cost of the annual  
12 license, plus the 2% increase, after the 2015-2017 License Term:

13 2018-2020 License Term \$3,060.00 per year

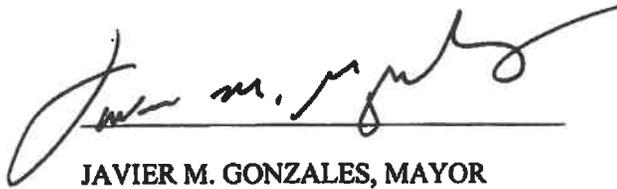
14 2021-2023 License Term \$3,121.20 per year

15 After the 2021-2023 License Term, the annual license fee shall continue to be increased by 2% per  
16 license term.

17 **BE IT FURTHER RESOLVED** that in addition to the annual license fee, pushcart vendors  
18 are required to pay the annual business registration fee of \$35.00 pursuant to Subsection 18-2.3 SFCC  
19 1987.

20 PASSED, APPROVED, and ADOPTED this 14<sup>th</sup> day of January, 2015.

21  
22  
23  
24  
25



JAVIER M. GONZALES, MAYOR

1 ATTEST:

2

3 Yolanda Y. Vigil

4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

6

7 Kelley A. Brennan

8 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions2015/2015-5 Pushcart Fees*

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2009-120**

3 **INTRODUCED BY:**

4  
5 **Councilor Chavez**  
6  
7  
8  
9

10 **A RESOLUTION**

11 **ESTABLISHING AN APPLICATION FEE FOR PERSONS WHO APPLY FOR A**  
12 **LICENSE UNDER THE PLAZA PUSH CART ORDINANCE, §23-5.5 SFCC 1987.**  
13

14 **WHEREAS, Section 23-5.5 SFCC 1987 created the Plaza Pushcart Ordinance which**  
15 **allows a limited number of food vendors the privilege of selling food items out of a pushcart on**  
16 **the Santa Fe Plaza; and**

17 **WHEREAS, city staff anticipates numerous applications from food vendors wanting to**  
18 **participate as a Plaza pushcart vendor; and**

19 **WHEREAS, staff involvement in the application process is essential and includes such**  
20 **tasks as designating a city committee or jury panel to review and jury the applicants, review and**  
21 **acceptance of the application, constant communication with the applicants regarding the**  
22 **application and selection process, scheduling of interviews and ranking of scores given by the**  
23 **jury panel; and**

24 **WHEREAS, an application fee paid by each applicant for a Plaza Pushcart Vendor**  
25 **should be collected to offset the cost of the administrative processing of the application.**

