

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2018

COUNCIL BILL NO.18-0951  
COMMITTEE OF REFERENCE:

4  
5 A BILL

6  
7 **For an ordinance exempting a children’s neighborhood beverage stand from**  
8 **licensing requirements.**  
9

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** That section 23-50, D.R.M.C. shall be amended by deleting the language stricken  
12 and adding the language underlined, to read as follows:

13 **Sec. 23-50. - License required.**

14 Except as provided in section 23-56, it shall be unlawful for any person to operate a retail food  
15 establishment, operate a mobile retail food establishment or pushcart, operate a temporary retail food  
16 establishment, act as a food peddler, or act as an ice cream vendor except as provided in and  
17 authorized by this article and without first having obtained a license from the director. No license to  
18 operate a retail food establishment, operate a mobile retail food establishment or pushcart, operate a  
19 temporary retail food establishment, act as a food peddler, or act as an ice cream vendor shall be  
20 issued without the manager's approval. All licenses shall be prominently displayed and visible at all  
21 times.

22 **Section 2.** That division 2 of article III of chapter 23 shall be amended by the addition of a new  
23 section to read as follows:

24 **Sec. 23-56. – Exception to license requirements for a children’s neighborhood beverage stand.**

25 (1) As used in this article III, “children’s neighborhood beverage stand” means a temporary food  
26 establishment that is:

27 (a) operated by a child or children 17 years of age or younger;

28 (b) located in a neighborhood, defined as a geographical area within the city and county of  
29 Denver that is zoned for single family or multi-family residential use only;

30 (c) providing beverages, defined to mean lemonade, cold or hot tea, coffee, or hot chocolate in  
31 single-use, disposable cups and articles for use by customers;

32 (d) operated no more than six periods of fourteen consecutive days, and no more than eighty-  
33 four days total in a calendar year;

34 (e) operated no closer than two hundred feet from a temporary food vendor selling beverages

1 permitted by the Department of Parks and Recreation or licensed by the Department of Excise and  
2 Licenses; and

3 (f) operated in a manner that does not obstruct the public right of way.

4 (2) Notwithstanding any other provision of the Denver Revised Municipal Code and any rules  
5 and regulations promulgated thereunder, a person operating a children’s neighborhood beverage  
6 stand providing beverages does not require a license or permit issued by any department or agency of  
7 the city.

8 COMMITTEE APPROVAL DATE: August 29, 2018

9 MAYOR-COUNCIL DATE: September 4, 2018

10 PASSED BY THE COUNCIL \_\_\_\_\_

11 \_\_\_\_\_ - PRESIDENT

12 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

13 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
14 EX-OFFICIO CLERK OF THE  
15 CITY AND COUNTY OF DENVER  
16

17 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ ; \_\_\_\_\_

18 PREPARED BY: Troy C. Bratton, Assistant City Attorney DATE: September 6, 2018

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
20 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
21 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §  
22 3.2.6 of the Charter.  
23

24 Kristin M. Bronson, Denver City Attorney

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26 BY: *Kristin J. Crawford*, Assistant City Attorney DATE: Sep 6, 2018  
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