

## CHAPTER V. BUSINESS REGULATIONS

Article 1. General Regulations and Licenses

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### ARTICLE 1. GENERAL PROVISIONS

- 5-101. **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation, either as principal or agent or employee, to conduct, pursue carry on or operate any calling, trade, profession or occupation in the city without first paying the license fee prescribed and procuring such a license from the city clerk whenever the procuring of the license is required by the city. (Code 1995)
- 5-102. **APPLICATION FOR LICENSE.** Every person, firm or corporation desiring to do business in the city shall apply to the city clerk for a license to operate such business, and in the case of new licenses, shall appear before the governing body before the commencement of business and issuance of the license. Upon approval by the governing body, the city clerk shall issue to the applicant a license which shall be signed by the city clerk. It shall be the duty of the city clerk to pay over the amount so collected on each license issued, to the city treasurer of the city. (Code 1995)
- 5-103. **NOT ASSIGNABLE OR TRANSFERABLE.** No license granted by the city shall be assignable or transferable; nor shall such license authorize any person to do business or act under it but the person named therein, nor at more than one place. There shall be no refunds except as specifically provided. (Code 1995)
- 5-104. **LICENSE PERIOD; DURATION.** Unless otherwise provided, licenses shall commence and endure from January 1 and expire on December 31 of the same year, except that all semi-annual licenses issued as provided in this chapter shall expire on the 30<sup>th</sup> day of June or the 31<sup>st</sup> day of December, next following the date of their issuance. (Code 1995)
- 5-105. **EXEMPTION OF FARMERS.** No producer or grower, or his or her agents or employees, selling in the city, farm or garden products or fruits grown by him or her in the state shall be required to pay any license fee or occupation tax imposed by any law of this city, and he or she, his or her agents or employees, are hereby exempt from the payment of any such fees or taxes, or the securing of a license. (K.S.A. 12-1617; Code 1995)
- 5-106. **LICENSE FEES.** (a) Unless otherwise provided, the annual license fee for each occupation, business, or profession shall be Five Dollars (\$5.00).

- (b) The provisions of (a) above shall not apply to any business required to be licensed as under the provisions of Chapter 3, Article 3, 4 or 7 of the Code of the City of Edgerton. (Ord. 669, 1996; Code 1995)
- 5-107. SAME; WHEN PAYABLE; TIME PERIOD. (a) All license fees shall be due and payable before the commence of a trade, occupation, business or profession for which license fees are required.
- (b) No license shall be issued until the fee is paid.
- (c) Licenses shall be renewed on or before the expiration date of the current licenses.
- (d) If the license prescribed is for an annual, quarterly, monthly, weekly or daily period, the license shall not be issued for any part or fraction of the year, quarter, month, week or day, respectively.
- (e) The license for a day shall expire at midnight. (Code 1995)
- 5-108. PAYMENT OF FEES; RECEIPT. The city clerk shall, upon payment of any license fee specified, give a receipt therefor stating the amount paid, the nature of the licenses issued, for what time, and to whom issued, and if possible, the exact location where the business is to be carried on, and the kind of business. (Code 1995)
- 5-109. CONTENTS OF LICENSE. Unless otherwise provided all licenses shall be dated on the date of their issue, and shall state the name of the licensee, the kind of business he or she desires to engage in and the location thereof, the amount paid, and time the license shall expire; and the person having such license shall be authorized to carry on the business therein named. (Code 1995)
- 5-110. RECORD BOOK. The city clerk shall keep a book in which shall be entered the name of each person licenses, his or her address, the date of the license, the purpose for which it is granted, the amount paid therefore, and the time the same shall expire and within 24 hours after any license has expired, the city clerk shall notify the chief of police of such expiration, unless the same shall have been renewed. (Code 1995)
- 5-111. DISPLAY OF LICENSE. All persons doing business in a permanent location are required to have their license conspicuously displayed in their place of business, and all persons to whom licenses are issued not having a permanent place of business are required to carry their licenses with them and any licensee shall present the license for inspection when requested to do so by any citizen or officer of the city. (Code 1995)

## ARTICLE 2. SOLICITORS, CANVASSERS PEDDLERS

- 5-201. DEFINITIONS. For the purpose of this article, the following words shall be considered to have the following meanings:

- (a) Soliciting shall mean and include any one or more of the following activities:
- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuff, services, of any kind, character or description whatever, for any kind of consideration whatever; or
  - (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
  - (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
- (b) Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
- (c) Canvasser or Solicitor shall mean any individual, whether resident of the city or not, whose business is mainly or principally carried on by traveling either by foot, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not. Such definition shall include any person, who, for himself, herself or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.
- (d) Peddler shall mean any person, whether a resident of the city or not, traveling by foot, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar or other vehicle or conveyance, and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler.
- (e) Transient merchant, itinerant merchant or itinerant vendor are defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within such city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to

include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

- (f) Street salesman shall mean any person engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on the public streets or sidewalks of this city. (Code 1995)

5-202. LICENSE REQUIRED. (a) It shall be unlawful for any person to engage in any of the activities defined in the preceding sections of this article, within the corporate limits of the city without them having an unrevoked and unexpired license therefore in his or her possession and issued by the city clerk.

- (b) The governing body may waive the license requirements of this section for any person, firm or corporation exempt from the payment of a license fee under section 5-207 (d). (Code 1995)

5-203. SAME; APPLICATION REQUIRED. Before the city clerk may issue any license required by this article, he or she shall require a sworn application in writing prepared in duplicate on a form to be supplied by the city clerk which shall give the following information:

- (a) Name and description of applicant;
- (b) Permanent home address and full local address of applicant;
- (c) Identification of applicant including drivers license number, date of birth, expiration date of license and description of applicant;
- (d) Identification of vehicle used by applicant including license therefore used by applicant in conducting his or her business;
- (e) A brief description of nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business;
- (f) If employed, the name and address of the employer, together with credentials establishing such relationship, including the authority by the employer authorizing the applicant to represent he employers in conducting business;
- (g) The length of time which business is proposed to be carried on;
- (h) The place where services are to be performed or where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
- (i) A photograph of the applicant, taken within 90 days prior to the date of making application which picture shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner; or in lieu thereof, the fingerprints of the applicant may be taken by the chief of police and filed with the application;
- (j) A statement as to whether or not the applicant has within two years prior to the date of the application been convicted of any crime, misdemeanor (Other

than minor traffic violations) or violation of any municipal law regulating peddlers, solicitors or canvassers and giving the nature of the offenses, the punishment assessed therefor, if any, and the city and state where conviction occurred.

(k) The applicant's Kansas Sales Tax number. (Code 1995)

5-204. ISSUANCE; COUNTY RESIDENTS. (a) Except as provided in section 5-209, if the applicant is a current resident of Johnson County, Kansas, upon receipt of any application for a license and payment of the license fee, the city clerk shall issue the license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city clerk shall keep a permanent record of all such licenses issued and submit a copy of such license to the chief of police. The licensee shall carry the license certificate at all times.

(b) If the applicant is not a current resident of Johnson County, Kansas, a license will not be issued until after investigation and payment of the investigation fee as provided in sections 5-205;206.

5-205. SAME; INVESTIGATION AND ISSUANCE; NON-COUNTY RESIDENT.

(a) Upon receipt of the above application from an applicant who is not a current resident of Johnson County, Kansas, the city clerk shall refer the same to the chief of police who shall cause an investigation of the facts stated therein to be made within not to exceed five days.

(b) If as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory or the facts stated therein to be untrue, the chief of police shall endorse on such application his or her findings and endorse his or her disapproval of the application and the reasons for the same and shall return the application to the city clerk who then shall notify the applicant that his or her application is disapproved and that no license will be issued.

(c) If however, the investigation of such application discloses that the character and business responsibility and the facts stated in the application are satisfactory and true, the chief of police shall endorse his or her findings and approval on the application and return the same to the city clerk who shall, upon payment of the license and investigation fees prescribed, issue a license to the applicant to engage in the business described in the application. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The city clerk shall keep a permanent record of all such licenses issued and submit a copy of such license to the chief of police. The licensee shall carry the license certificate at all times. (Code 1995)

- 5-206. SAME; INVESTIGATION FEE. At the time of filing the application, a fee of \$50.00 shall be paid to the city clerk to cover the cost of investigation of the facts stated in the foregoing application. (Code 1995)
- 5-207. LICENSE FEE; TIME LIMITS; EXEMPTIONS. (a) Except as provided in subsection (c), the fee for the license required pursuant to section 5-202 shall be in the amount of \$25.00 per each day, or portion thereof, that the licensee shall operate within the city limits. In no event, however, shall fees in excess of \$250.00 be collected from a licensee during any six-month period of time.
- (b) Any such license granted upon application as required hereinabove shall be limited to and effective only on the days set out in the license. Solicitation or sales by any peddler, solicitor or canvasser shall be conducted only between the hours of 8:00 a.m. and 9:00 p.m.
- (c) Persons and firms not having a permanently established place of business in the city, but having a house-to-house or wholesale business shall receive a license as required by section 5-202 upon the payment of \$250.00 for any year, and may make solicitations or sales only between the hours of 8:00 a.m. and 9:00 p.m., or upon invitation at any hour.
- (d) No license fee shall be required of: (1) any person selling products of the farm or orchard actually produced by the seller; (2) any businesses, trades or occupations which are part of fairs or celebrations sponsored by the city and any other governmental subdivision, or the state, or when part of all of the expenses of the fairs or celebrations are paid for by the city, any other governmental subdivision, or the state; and (3) any not-for-profit or charitable organization as determined by the governing body. (K.S.A. 12-1617; Code 1995)
- 5-208. RENEWAL. All licenses issued shall be subject to renewal upon a showing of compliance with sections 5-202;203 of this article within a six month period prior to the renewal date. The city clerk need not require an additional application under section 5-203 or an additional investigation and investigation fee under sections 5-205;206 unless complaints have been received of violations of the conditions under which any license has heretofore been issued. The city clerk shall not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license, and the applicant shall be required to apply for a license as in the case of an original license. (Code 1995)
- 5-209. DENIAL, REVOCATION OR SUSPENSION OF LICENSE; NOTICE.
- (a) The city clerk or chief of police may deny any application or may revoke or suspend for a period of not to exceed 30 days any license issued under this article, for any of the following causes;
- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on the business.

- (3) Any violation of this article.
- (4) Conducting a business as defined in section 5-201 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 city. Notice of the denial, revocation or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address and the city clerk shall set forth the grounds of such denial, revocation or suspension.
- (5) Conviction of the crime of theft, larceny, fraud, embezzlement or any felony within two years prior to the application date. (Code 1995)

5-210. APPEAL TO GOVERNING BODY. (a) Any person aggrieved by the action of the chief of police or city clerk in the denial of an application or revocation or suspension of a license as provided in this article, shall have the right of appeal to the governing body.

- (b) Such appeal shall be taken by filing with the city clerk within 14 days after notice of revocation, suspension or denial of the license has been given to or mailed to such applicant's last known address and setting forth the grounds for appeal.
- (c) The governing body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.
- (d) The decision and order of the governing body on such appeal shall be final and conclusive. (Code 1995)

5-211. REGULATIONS. (a) It shall be unlawful for any licensee to make false or fraudulent statements concerning the quality of nature of his or her goods, wares and merchandise for the purpose of inducing another to purchase the same.

- (b) Licensees are required to exhibit their license at the request of any person to whom they attempt to sell their goods, wares and merchandise or take orders for future delivery of the same. (Code 1995)

5-212. USE OF STREETS AND SIDEWALKS. Except when authorized in writing by the city clerk, no peddler, solicitor or canvasser or any other person shall have exclusive right to any location in the public streets for the purpose of selling or soliciting sales, nor shall any person be permitted a stationary location in the public streets, nor shall any person be permitted to operate in the sidewalks and streets within the fire limits of the city or any congested area where his or her operations might impede or inconvenience the public. (Code 1995)

5-213. DISTURBING THE PEACE. Except when authorized in writing by the city clerk, no licensee nor any person in his or her behalf, shall use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys,

parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. (Code 1995)

### ARTICLE 3. ADULT ENTERTAINMENT

- 5-301. FINDINGS. Based on testimony, case law and other information before it, the City Council has made the following legislative findings of fact:
- (a) That certain conduct occurring on premises offering adult entertainment is detrimental to the public health, safety, and general welfare of citizens of the city and, therefore, such conduct must be regulated in this chapter;
  - (b) That businesses that provide adult entertainment are associated with and promote prostitution, illegal drug use and other criminal activity which constitutes an immediate threat to the public peace, health, morals and safety;
  - (c) That regulation of adult entertainment businesses is necessary because in the absence of such regulation, significant criminal activity to include prostitution, illegal drug use and disruptive behavior has historically and regularly occurred;
  - (d) That it is necessary to regulate and license entertainers, servers and employees in the adult entertainment industry to prevent the exploitation of minors;
  - (e) That it is necessary to have a licensed manager on the premises of establishments offering adult entertainment to insure that at all times a person responsible for the overall operation of the business, including the actions of the customers, entertainers and other employees is present; and
  - (f) That the license fees imposed by the regulation herein are reasonable fees imposed as necessary regulatory measures designed to help defray expenses incurred by the City in regulating adult entertainment business. (Ord. 721, 2000)
- 5-302. DEFINITIONS. For the purpose of this chapter and unless the context plainly requires otherwise, the following definitions are adopted:
- “Adult Entertainment” means any live exhibition, performance, display or dance of any type, including but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered for amusement on a premises where such exhibition, performance, display or dance is intended to seek to arouse or excite the sexual desires of the entertainer, other entertainers or patrons.
- “Adult Entertainment business” means any business including but not limited to:
- 1. Adult media outlets;
  - 2. Adult motion picture theaters;
  - 3. Juice bars; and
  - 4. Establishments providing live dancers, models, entertainers or other performers, having as a material portion of its business the offering of entertainment, stock in trade or materials, scenes or other presentations predominantly distinguished or characterized by emphasis or depiction or



description of an erotic nature including, but not limited, depiction or descriptions of “specified sexual activities” or “specified anatomical areas” (separately defined) to which the public, patrons or members are invited or admitted and wherein an entertainer, manager, or server, provides adult entertainment to a member of the public, patron or a member.

“Adult media” means magazines, books, videotapes, movies, slides, paraphernalia or other media which are distinguished or characterized by their emphasis in matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (separately defined).

“Adult media outlet” means any establishment that rents, sells or offers for viewing or other use any adult media, and which meets at least one of the following tests: (1) more than fifty percent of the gross floor area is devoted to adult media; or more than fifty percent of the gross sales (including rentals) on an annual basis result from the sale or rental of adult media.

“Adult motion picture theater” means an enclosed building used for presenting or showing, for money or other consideration, movie or video films or pictures or other materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (separately defined) for observation by customers therein.

“Entertainer” means any person who provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment.

“Manager” means any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises.

“Operator” means any person operating, conducting or maintaining an adult entertainment business.

“Person” means any individual, partnership, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity or other entity or group of persons however organized.

“Public place” means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and automobiles whether moving or not.

“Server” means any person who serves food or drink at an adult entertainment business.

“Specified anatomical areas” means (1) uncovered or exposed human genitals, pubic region or pubic hair; or buttock; or female breast or breasts below a point immediately above the top of the areola or nipple; or any combination of the foregoing; or (2) human male genitals in a discernible erect state, even if completely and opaquely covered.

“Specified sexual activities” means sexual conduct, being actual or simulated, acts of human masturbation; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, which a persons’ clothed or unclothed genitals, pubic area, buttocks or the breast of a female; or any sadomasochistic

abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.(Ord. 721, 2000)

5-303. LICENSE REQUIRED FOR ADULT ENTERTAINMENT BUSINESS

- (a) It is unlawful for any person to operate or maintain an adult entertainment business in the city unless the owner, operator or lessee thereof has obtained an adult entertainment business license from the city, or to operate such business after such license has been revoked or suspended by the city.
- (b) It is unlawful for any entertainer, employee or manager to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed adult entertainment business.
- (c) It shall be *prima facie* evidence that any adult entertainment business that fails to have posted, in the manner required by this section, an adult entertainment business license, has not obtained such a license. In addition, it shall be *prima facie* evidence that any entertainer, employee or manager who performs any service or entertainment in an adult entertainment business in which an adult entertainment license is not posted, in the manner required by this section, had knowledge that such business was not licensed. (Ord. 721, 2000)

5-304. MINOR ACCESS FOR BUSINESSES ENGAGED IN THE SALE OR RENTAL OF ADULT MEDIA. Any business not licensed as an adult entertainment establishment that sells or rents adult media shall restrict the access of minors as follows:

- (a) Adult entertainment related movies, videotapes, or other electronic media shall be restricted to person eighteen (18) years of age or older. If an establishment that is not otherwise prohibited from providing access to person under 18 years of age sells, rents, or displays movies, videos, or other electronic media that have been rate 'X' or rated 'NC-17' by the motion picture rating industry ('MPAA'), or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said movies, videos, or other electronic media shall be located in such a way that access is limited to persons at least eighteen (18) years of age and shall not be visible from outside the premises or from areas within the premises where person under the age of eighteen (18) are allowed.
- (b) Access to adult media shall be restricted to persons at least eighteen (18) years of age. (Ord. 721, 2000)

5-305. RECORDS MAINTENANCE FOR BUSINESSES ENGAGED IN THE SALE OR RENTAL OF ADULT MEDIA. Any business not licensed as an adult entertainment establishment which devotes more than ten percent of its floor area that is used for the display of sale or rental merchandise of "adult media," as defined in Section 5-302, shall keep accurate records of sales, including but not limited to sales receipts, showing the percentage of gross sales of the business derived from the sale or rental of adult media. Such records shall be made

available for inspection at reasonable times and places, upon request by a representative of the codes administration office of the city or any other city official acting in their official capacity. The records shall document each sale or rental of adult media, the gross receipts from each sale or rental. Any record inspected by or obtained by the city shall be used only for the purpose of determining whether or not the business is an "adult media outlet" as defined in Section 5-302. No records or information contained therein shall be divulged to any person other than officers, agents, or employees of the city, including attorneys or accountants employed or retained by the city, excepting that the records of information may be divulged to the extent reasonably necessary for the enforcement of this section. (Ord. 721, 2000)

5-306. LICENSE REQUIRED FOR MANAGERS, SERVERS AND ENTERTAINERS. It is unlawful for any person to , work as an entertainer, server or manager at an adult entertainment business without, first obtaining a license to do so from the city, or to work as an entertainer, server or manager at an adult entertainment business after such person's license to do so has been revoked or suspended. (Ord. 721, 2000)

5-307. LICENSE, CLASSIFICATION AND FEES.

- (a) The license year for all fees required under this chapter shall be from January 1<sup>st</sup> through December 31<sup>st</sup>. The application for a license shall be, accompanied by a certified or cashier's check or money order; and no application shall be considered complete until such fee is paid.
- (b) All license shall be issued for a specific location and shall be nonrefundable and nontransferable.
- (c) The classification of licenses and fees for each shall be as follows:
  - (1) Adult entertainment business license fee is two hundred fifty dollars per year;
  - (2) Adult entertainment manager's license fee is twenty dollars per year;
  - (3) Adult entertainer's license fee is twenty dollars per years;
  - (4) Adult entertainment service's license fee is twenty dollars per year. (Ord. 721, 2000)

5-308. LICENSE APPLICATIONS.

A. Adult Entertainment Business License.

All persons desiring to secure a license to operate an adult entertainment business under the provisions of this chapter shall make a verified application with the City Clerk. All applications shall be submitted in the name of the person proposing to conduct or operate the adult entertainment business. All applications shall be submitted on a form supplied by the city clerk and shall require the following information:

- (1) The name, residence address, home telephone number, occupation, date and place of birth and social security number of the applicant;

- (2) The name of the adult entertainment business, a description of the adult entertainment to be performed or undertaken on the licensed premises, and the name of the owner of the premises where the adult entertainment will be located;
- (3) The names, residence addresses, social security numbers and dates of birth of all partners, if the applicant is a partnership; and if the applicant is a corporation, the same information for all corporate officers, directors and stockholders who own more than ten percent or greater interest in the corporation;
- (4) The addresses of the applicants, or of all partners, or of all corporate officers and directors for the five years immediately prior to the date of application;
- (5) A statement from the applicant, or from all partners, or from all corporate officers and directors whether any such person or entity, in previously operating in this or any other city, county or state, has had a business license of any type revoked or suspended and if so, the reason for the suspension or revocation of the business activity subjected to the suspension or revocation;
- (6) A statement of the business, occupation or employment of the applicant, or of all partners, or of all corporate officers and directors for the three years immediately preceding the date of the application;
- (7) A statement from the applicant, or from each partner, or from each corporate officer and director, that each such person has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
  - a. A felony criminal act within five years immediately preceding the application, or
  - b. A misdemeanor criminal act involving sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Kansas Criminal code, or involved controlled substances or illegal drugs or narcotics offenses as defined in the Kansas Controlled Substances Act or other statutes or ordinances within two years immediately preceding the application.

The statement shall also indicate the applicant, each partner or each corporation officer and director has not been convicted of a municipal ordinance violation, within two years immediately preceding the application, where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances for illegal drugs or narcotics;

- (8) A full set of fingerprints and a photograph, to be taken by the law enforcement officials of the City, of the applicants, or of all partners if the applicant is a partnership, or of all corporation officers and directors if the applicant is a corporation;
- (9) If the applicant is a corporation, a current certificate of registration issued by the Kansas Secretary of State;
- (10) A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information

contained therein is true and correct and that the applicant has read the provisions of this chapter regulating adult entertainment businesses;

- (11) Provision of a statement, acknowledged by a notary public, of the owner of the property giving written consent for the use of the property by an adult entertainment business.

Failure to provide the information and documentation required by this subsection shall constitute an incomplete application that shall not be processed.

#### B. Adult Entertainment Manager, Server or Entertainers License.

All persons desiring to secure a license under the provisions of this chapter to be an adult entertainment manager, server or entertainer shall make a verified application with the city clerk. All applications shall be submitted in the name of the person proposing to be an adult entertainment manager, server or entertainer. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:

1. The applicant's name, home address, home telephone number, date and place of birth, social security number and any stage names, aliases or nicknames used in entertaining;
2. The name and address of each adult entertainment business where the applicant intends to work as a manager, server or entertainer, and an intent to hire statement from an adult entertainment business that is licensed, or that has applied for a license, under the provisions of this chapter, indicating the adult entertainment business intends to hire the applicant to manage, serve or entertain on the premises;
3. A statement from the applicant that the applicant has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
  - a. A felony criminal act within four years immediately preceding the application, or
  - b. A misdemeanor criminal act involving sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Kansas Criminal Code, or involving controlled substances or illegal drugs or narcotics offenses as defined in the Kansas Controlled Substances Act or other statutes or ordinances, within two years immediately preceding the application.

The statement shall also indicate the applicant has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation, within two years immediately preceding the application where such municipal ordinance violations involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics;

4. A full set of fingerprints and a photograph, to be taken by law enforcement officials of the City, of the applicant;
5. The applicant shall present to the City Clerk who shall copy documentation that the applicant has attained the age of eighteen years at the time the application is submitted. Any of the following shall be accepted as documentation of age:
  - a. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth.
  - b. A state-issued identification card bearing the applicant's photograph and date of birth.
  - c. An official and valid passport issued by the United States of America.
  - d. An immigration card issued by the United States of America.
  - e. Any other form of picture identification issued by a governmental entity that is deemed reliable by the City Clerk; or
  - f. Any other form of identification that is deemed reliable by the City Clerk.

Failure to provide the information required by this subsection shall constitute an incomplete application and shall not be processed.

#### C. Application Processing.

Upon receipt of a complete application for an adult entertainment business or an adult entertainment business manager, server or entertainer license, the city clerk shall immediately transmit one copy of the application to the law enforcement officials of the City for investigation of the application. In addition the city clerk shall transmit a copy of the application to the Staff Planning Official, Chief Building Official, and the Fire Official. It shall be the duty of the law enforcement officials of the city to investigate such application to determine whether the applicant is qualified to be issued the license applied for. The officials shall report the results of the investigation to the City Clerk not later than ten working days from the date the application is received by the City Clerk. It shall be the duty of the Staff Planning Official, Chief Building Official and the Fire Official to determine whether the structure where the adult entertainment business will be conducted complies with the requirements and meets the standards of the location section of this ordinance, and applicable health, zoning, building code, fire and property maintenance ordinances of the City. The Staff Planning official, Chief Building Official and the Fire Official shall report the results of their investigation to the City Clerk not later than ten working days from the date the application is received by the City Clerk. Upon receipt of the reports from the law enforcement official, Staff Planning Official, Chief Building Official and the Fire Official the City Clerk shall schedule the application for consideration by the governing body at the earliest meeting consistent with the notification requirements established by law, provided the license application for an adult entertainment business and for an adult entertainment business manager, server or entertainment license shall be approved or disapproved within forty-five days from the date of filing of a completed application with the city clerk's office. The applicant shall be notified

in writing of the date when the governing body will consider the application. (Ord. 721, 2000)

5-309. EXAMINATION OF APPLICATION – ISSUANCE OF LICENSE-  
DISAPPROVAL.

- A. If the applicant for an adult entertainment business or an adult entertainment business manager, server or entertainer is in proper form and accompanied by the appropriate license fee, the governing body shall examine the application, and after such examination, the governing body shall, if the applicant is qualified, approve a license as provided for by law, provided a license shall not be approved to any ineligible pursuant to Section 5-308.
- B. The record of the governing body shall show the action taken on the application, and if the license is approved the governing body shall direct the City Clerk to issue the proper license. The license shall state that it is not transferable to other persons and the calendar year for which it is issued. The license shall be kept in a conspicuous place in the place of business that is licensed or where the licensee is working.
- C. If an application for a license is disapproved, the applicant shall be immediately notified in writing to the applicant's address as shown on the application, and the notification shall state the basis for such disapproval. (Ord. 721, 2000)

5-310. LICENSE – INELIGIBILITY AND DISQUALIFICATION.

No person is eligible nor shall a license be issued to:

- A. An adult entertainment business application if one or more of the following conditions exist:
  - 1. The applicant's premises, is located within one thousand feet of any school, church, licensed child care center, or single-family residential zoning district. Measurements shall be made in a straight line from the nearest point on the property line of such school, church, licensed day care center or single-family residential zoning district;
  - 2. The applicant's premises, is location within one thousand feet of any other adult entertainment use for which there is a license issued. Measurement shall be made in a straight line without regard to intervening structures or objects, from the nearest point of any exterior wall of the building housing the adult entertainment to the nearest point of the exterior walls of the building housing such other adult entertainment business;
  - 3. The applicant's premises is located on property which has less than one hundred feet of street frontage on a designated arterial street;
  - 4. The applicant's premises are not properly zoned and have not been granted a Special Use Permit.
  - 5. The applicant failed to supply all of the information requested on the application;
  - 6. The applicant gave materially false, fraudulent or untruthful information on the application;

7. The applicant's proposed premises does not comply with or meet the requirements of the applicable health, zoning, building code, fire and property maintenance ordinances of the city provided, that upon a showing that the premises meets such requirements and that the applicant is otherwise qualified, the application shall be subject to reconsideration by the governing body;
  8. The applicant has had an adult entertainment license revoked or suspended in this or any other city or county during the past five years.
- B. An applicant for an adult entertainment manager, server or entertainer license if one or more of the following conditions exists:
1. The employer for who the applicant intends to work does not have or is ineligible to receive an adult entertainment business license for any of the reasons stated in subsection (A) of this section;
  2. The applicant has been convicted, released from incarceration for conviction, or diverted on any of the crimes set forth in Section 5-308 (B) 3 during the time period set forth in said section;
  3. The applicant failed to provide all of the information required on the application;
  4. The applicant gave materially false, fraudulent or untruthful information on the application;
  5. The applicant has had an adult entertainment manager, server or entertainer license revoked or suspended in this or any other city or county during the past five years. (Ord. 721, 2000)

#### 5-311. STANDARD OF CONDUCT.

The following standards of conduct shall be adhered to by all adult entertainment business licensees, their employees, all adult entertainment managers, servers, entertainers and patrons of adult entertainment businesses, while on or about the premises of the business;

- (A) Age Restriction. Only persons eighteen years of age or older shall be permitted on the premises of any adult entertainment business.
- (B) Exterior Observation. The premises of all adult entertainment business will be so constructed to include an anteroom, foyer, partition or other physical barrier on all customer entrances what will insure observation of the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside, and all doorways not constructed with an anteroom or foyer will covered so as to prevent observation of the interior of the premises from the exterior of the building. Any change to the exterior of the building will require site plan approval by the Planning Commission.
- (C) Exterior Display. All adult entertainment businesses shall comply with the following sign requirements in addition to the requirements of the Edgerton Zoning Ordinance. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the exterior of the building. Neither the



performance nor any photograph, drawing, sketch or other pictorial or graphic representation of an performance displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals and/or anus may be visible outside of the adult entertainment business. Window areas shall be covered or made opaque in any way. No signs shall be placed in any windows. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

(D) Nudity Prohibited. No employee, server or entertainer in an adult entertainment business shall appear nude, unclothed, in less than opaque attire or in any fashion that exposes to view any specified anatomical area.

(E) Certain Acts Prohibited.

(1) No employee, server or entertainer shall perform any specified sexual activities as defined in this chapter, wear or use any devise or covering exposed to view which stimulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities as defined herein, or participate in any act of prostitution.

(2) No employee, server, entertainer or patron of an adult entertainment business shall knowingly touch, fondle or caress any specified anatomical area of such employee, server, entertainer or patron or knowingly permit another person to touch, fondle or caress any specified anatomical area of such employee, server, entertainer or patron, whether such specified anatomical areas are clothed, unclothed, covered or exposed.

(3) No employee, server or entertainer of an adult entertainment business shall be visible from the exterior of the adult entertainment business which such person is unclothed or in such attire, costume or clothing as to expose to view any specified anatomical area.

(4) No adult entertainer shall solicit, demand or receive a payment of gratuity from any patron or customer for any act prohibited by this chapter and no adult entertainer shall receive any payment or gratuity from any customer for any entertainment except as follows:

a. While such entertainer is not on stage a customer or patron may place such payment of gratuity into a box affixed to the stage; or

b. While such entertainer is not on the stage and is clothed so as to not expose to view any specified anatomical area, a customer or patron may either place such payment or gratuity into the entertainer's hand or under a leg garter worn by such entertainer at least four inches below the bottom of the pubic region.

(5) No owner, operator, manager or other person in charge of the premises of an adult entertainment premises shall;

a. Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon or consumed on the premises except as authorized and licensed by the State of Kansas and City Codes;

b. Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;

- c. Knowingly allow or permit any person under the age of eighteen years of age to be in or upon the premises;
- d. Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or
- e. Knowingly allow or permit a violation of this chapter or any other city ordinance, provision or state law.

(F) Signs Required.

All adult entertainment businesses shall have conspicuously displayed in the common area at the principal entrance to the premises a sign, on which uppercase letters shall be at least two inches high, which shall read as follows:

**THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED AND LICENSED BY THE CITY OF EDGERTON, KANSAS**

**ENTERTAINERS ARE:**

- Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the breasts, pubic region, buttocks or genitals of any employee, patron or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks or genital of said entertainer.
- Not permitted to be nude, unclothed, or in less than opaque attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic region, buttocks and/or genitals.
- Not permitted to demand or collect any payment of gratuity from any customer for entertainment, except as follows:
  - While such entertain is not on stage, by placing such payment or gratuity into a box affixed to the stage, or
  - While such entertainer in not on the stage, by either placing such payment or gratuity into the entertainer's hand, or under the entertainer's leg garter.

**CUSTOMERS ARE:**

- Not permitted to be upon the stage at any time.
- Not permitted to touch, caress or fondle the breasts, pubic region, buttocks, or genitals of any employee, server or entertainer or engage in solicitation for prostitution.

(G) Lighting Required. The premises of all adult entertainment businesses shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at any illumination of not less than one foot candle as measured at the floor level, and such illumination must be maintained at all times that any customer or patron is present in or on the premises.

(H) Closed Booths or Rooms Prohibited. The premises of all adult entertainment businesses shall be physically arranged in such a manner that

the entire interior portion of any booths, cubicles, rooms or stalls is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.

- (I) Ventilation and Sanitation Requirements. The premises of all adult entertainment businesses shall be kept in a sanitary condition. Separate dressing rooms and rest-rooms for men and women shall at all times be maintained and kept in a sanitary condition.
- (J) Hours of Operation. No adult entertainment business may be open or in use between the hours of two a.m. and nine a.m. on any day other than a Sunday when business may not be open between the hours of two a.m. and twelve noon. (Ord. 721, 2000)

5-312. LICENSE – POSTING OR DISPLAY.

- (A) Every person, corporation, partnership or association licensed under this chapter as an adult entertainment business shall post such license in a conspicuous place and manner on the adult entertainment facility premises.
- (B) Every person holding an adult entertainment, server, manager or entertainer license shall post his or her license in his or her work area on the adult entertainment facility premises so it shall be readily available for inspection by City authorities responsible for enforcement of this chapter. (Ord. 721, 2000)

5-313. MANAGER ON PREMISES.

- (A) At all times the premise is open for business, an adult entertainment manager shall be on duty at an adult entertainment business. The name of the manager on duty shall be prominently posted during business hours.
- (B) It shall be the responsibility of the manager to verify that any person provides adult entertainment or works as a server within the premises possesses a current and valid adult entertainer's license or an adult entertainment server's license and that such licenses are prominently posted. (Ord. 721, 2000)

5-314. INSPECTORS AND INSPECTIONS. All adult entertainment businesses shall permit representatives of law enforcement or any other city official acting in their official capacity to inspect the premises as necessary to insure the business is complying with all applicable regulations and laws. (Ord. 721, 2000)

5-315. SUSPENSION, REVOCATION OR NON-RENEWAL OF LICENSE.

Whenever the City Clerk has information that:

- (A) The owner or operator of an adult entertainment business or a holder of an adult entertainment manager, server or entertainer license has violated, or knowingly allowed or permitted the violation of, any of the provisions of this chapter; or
- (B) There have been recurrent violations of provisions of this chapter that have occurred under such circumstances that the owner or operator of an adult

entertainment business knew or should have known that such violations were committed; or

- (C) The adult entertainment business license or the adult entertainment manager, server or entertainer license was obtained through false statements in the application for such license, or renewal thereof; or
- (D) The adult entertainment business licensee or the adult entertainment manager, server or entertainer licensee failed to make a complete disclosure of all information in the application for such license, or renewal thereof; or
- (E) The owner or operator, or any partner, or any corporate officer or director holding an adult entertainment business license has become disqualified from having a license by a conviction as provided in Section 5-380 (a) 7;
- (F) The holder of an adult entertainment manager, server or entertainer license has become disqualified from having a license by a conviction as provided in Section 5-308(B) 3

Then the City Clerk shall make this information known to the governing body, which following written notice to the person holding the license shall conduct a public hearing to determine whether the license should be suspended or revoked. The governing body may pass a resolution setting forth the procedures for the conduct of such hearings. Based on the evidence produced at the hearing, the governing body may take any of the following actions:

1. Suspend the license for up to ninety days;
2. Revoke the license for the remainder of the license year;
3. Place the license holder on administrative probation for a period of up to one year, on the condition that no further violations of this chapter occur during the period of probation. If a violation does occur and after a hearing the violation is determined to have occurred, the license will be revoked for the remainder of the license year. (Ord. 721, 2000)

#### 5-316. RENEWAL.

- (A) A license may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses shall expire on December 31<sup>st</sup> of each calendar year, and renewal applications for such licenses shall be submitted between December 16<sup>th</sup> and December 31<sup>st</sup>.
- (B) Upon timely application and review as provided for a new license, a license issued under the provisions of this chapter shall be renewed by issuance of a new license in the manner provided in this chapter.
- (C) If the application for renewal of a license is not made during the time provided in subsection (A) of this section, the expiration of such license shall not be affected, and a new application shall be required. (Ord. 721, 2000)

#### 5-317. VIOLATION – PENALTY.

It is unlawful for any person to violate any of the provisions of this chapter. Upon conviction thereof, such person shall be fined not less than one dollar nor more than five hundred dollars or be punished by incarceration for up to six months, or by both fine and incarceration. Each day's violation of, or failure, refusal or

neglect to comply within any provision of this chapter shall constitute a separate and distinct offense. (Ord. 721, 2000)

5-318. SEVERABILITY.

In any section, subsection, paragraph, sentence, clause or phrase in this chapter, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decisions shall not affect the validity or effectiveness of the remaining portions of this chapter, or any part thereof. (Ord. 721, 2000)

ARTICLE 4. MOBILE FOOD VENDORS

5-401. DEFINITIONS.

- (A) "Mobile Food Vendor" means any business offering and consummating the sale of food and/or beverage items from a vehicle, trailer, or pushcart, but does not include ice cream trucks selling pre-packaged ice cream products, produce stands, or special or seasonal sales.
- (B) "Person" means any individual, association, or entity, including but not limited to, a firm, partnership, sole proprietorship, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, political subdivision, public or private agency of any kind, utility, or a successor or assign of any of the foregoing, and shall also mean the manager, lessee, agent, servant, officer or employee of any of foregoing.
- (C) "Special Event" means a temporary, short term use of land or structures, not otherwise included as a permitted or accessory use by the Unified Development Code. (Ord.1023, 2016)

5-402. LICENSE – REQUIRED. It shall be unlawful for any Person to operate a Mobile Food Vendor within the corporate limits of the City without first obtaining a license from the City. A separate license shall be required for each Mobile Food Vendor. No license issued under this article shall be transferable to another Person. (Ord.1023, 2016)

5-403. APPLICATION FOR LICENSE – NEW OR RENEWAL. All applications for new or renewal licenses pursuant to this Chapter shall be made upon a form prescribed by the City and submitted and filed with the City Clerk. Each applicant for a Mobile Food Vendor license in the City must, at the time the application for a license is submitted and each time the license is renewed, submit a copy of a valid Food Establishment License from the Kansas Department of Agriculture. Upon presentation of a state license, payment of the City license fee, and completion of the City application, the City Clerk shall issue a City license. (Ord.1023, 2016)

5-404. LICENSE – TERM – FEE.

- (A) All licenses required by this Article shall be annual licenses valid from January 1<sup>st</sup>, or the date of issuance, through December 31<sup>st</sup>.

(B) An annual license fee will be collected on each Mobile Food Vendor doing business in the City, in an amount as established and approved by the Governing Body as part of the annual fee resolution. (Ord.1023, 2016))

5-405. DISPLAY OF LICENSE. Every licensee shall cause the City Mobile Food Vendor license to be placed in plain view, next to or below the Food Establishment License issued by the Kansas Department of Agriculture in a conspicuous place on the Mobile Food Vendor. (Ord.1023, 2016)

5-406. PERMISSIBLE OPERATION. Mobile Food Vendors are permitted to operate within the corporate limits of the City when:

(A) Participating in a City-authorized event;

(B) Operating on private property; or

(C) Vending in the public right-of-way that adjoins any City street, but only if the particular location has been previously approved by the City and the vending is conducted in such a way that it does not impede traffic flow. Mobile Food Vendors located in these approved locations can still be required to move by the City when deemed to be in the best interest of the public. (Ord.1023, 2016)

5-407. LOCATION RESTRICTIONS.

(A) No Mobile Food Vendor shall operate within residential zoning districts, unless at an approved block party event with an authorized temporary street closure;

(B) No Mobile Food Vendor shall block any street or alley;

(C) No Mobile Food Vendor shall be operated in a manner that causes congestion, interferes with traffic flow, or obstructs traffic signage or signals.

(D) No Mobile Food Vendor shall locate on private property without express written consent from the property owner. The responsibility for obtaining property owner permission is on the Mobile Food Vendor. The Mobile Food Vendor must have a copy of written consent while operating;

(E) Mobile Food Vendor must operate within the public right-of-way when utilizing on-street parking spaces. Items may only be sold curbside from an on-street parking space;

(F) No Mobile Food Vendor shall operate or locate on public facilities or parks, unless located in an on-street parking stall or approved as part of a City-authorized event;

(G) No Mobile Food Vendor shall operate in public right-of-way along parade routes on the day of the parade.

(H) Mobile Food Vendors may only park on paved (concrete or asphalt) surfaces. (Ord.1023, 2016)

5-408. ADDITIONAL REGULATIONS.

(A) A three-foot (3 foot) passageway for pedestrians must remain intact at all times. No accessible route providing access to persons with disabilities may

be blocked or reduced to less than five (5) feet in width. If any such hindrance occurs, the Mobile Food Vendor must either:

- (1) Instruct customers to move to a safe location outside of the flow of traffic and pedestrians;
  - (2) Temporarily stop vending from its unit; or
  - (3) Move its unit to a different location.
- (B) Merchandise must be securely and adequately placed so that it does not fall or endanger pedestrians or protrude into a public right-of-way.
- (C) Vendors are prohibited from offering for sale any food and/or beverage from a single property for more than four (4) hours out of every day, or outside the hours of 7:30 a.m. to 30 minutes after sunset except as part of a City approved event. Mobile Food Vendors are prohibited at all times from selling or offering for sale alcoholic beverages.
- (D) No tables, chairs, or other accessory structures may be erected by a Mobile Food Vendor outside its unit.
- (E) One portable fire extinguisher (size 2 A 10 BC) shall be required for all Mobile Food Vendors that utilize a cooking process or heating stove.
- (F) The Mobile Food Vendor must provide sufficient trash receptacles for use by its customers.
- (G) The use of artificial lighting is permitted, provided that it is mounted to the unit at a height no taller than the vehicle, trailer, or pushcart itself. Area lighting shall only be installed with down-light fixtures and only be located on the service side of the vehicle, trailer, or pushcart. Flashing lights and other attention attracting devices are prohibited.
- (H) Immediately upon cessation of vending, the Mobile Food Vendor shall return the site to its previous condition, including the removal of all litter, repair of any damage, or other evidence of the vending. If the site is not returned to its previous condition, the City will restore the site at the expense of the vendor.
- (I) The City Administrator or designee, or other public official charged by the City Administrator with enforcement of this Article, may at any time cause any Mobile Food Vendor to be inspected to determine that said unit is suitable from the standpoint of safety for the conduct of a Mobile Food Vendor business and that all provisions of this Article and any other City ordinances relating to safety are being complied with.
- (J) Mobile Food Vendors shall comply with all City noise ordinances. (Ord.1023, 2016)

#### 5-409. SIGNAGE

- (A) Signage may be permanently painted, affixed to or wrapped around the vehicle or trailer.
- (B) Signage mounted on a unit shall not extend more than one (1) foot in any direction.
- (C) No sign on a unit may be illuminated.
- (D) One A-frame sign per Mobile Food Vendor is allowed within 15 feet of the vehicle, trailer, or pushcart. A-frame signs may not exceed eight (8) square

feet in size. Separate sign permits shall not be required. All other types of detached signs are prohibited. (Ord.1023, 2016)

5-410. LICENSE – SUSPENSION – REVOCATION.

- (A) Any license issued for a Mobile Food Vendor may be revoked or suspended by the City Administrator where it is determined the Mobile Food Vendor is found to be in violation of any of the provisions of this Article.
- (B) The City Administrator, before revoking or suspending any license, shall give the Mobile Food Vendor at least 10 days to submit information contesting the decision to revoke the license.
- (C) Any decision by the City Administrator to revoke or suspend a license is appealable to the City Governing Body, but an appeal shall not allow the Mobile Food Vendor to continue to operate, unless the City Administrator's determination specifically allows continued operation during the period of the appeal. (Ord.1023, 2016)

5-411. EXEMPTIONS. With the exception of City and state licensing requirements, the provisions of this Article shall not apply to the following activities:

- (A) Caterers, operating for a private event and not allowing individual sales;
- (B) Vendors selling as part of a City approved special event; or
- (C) Vendors selling on public or private school property with the permission of any such school. (Ord.1023, 2016)