

Ordinance No. 1023 Summary

On July 14, 2016, the City of Edgerton, Kansas, adopted Ordinance No. 1023, amending Chapter V of the City Code to include new Article 4 regulating mobile food vendors operating within the City.

A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 404 East Nelson, Edgerton, Kansas, or at www.edgertonks.org. This summary is certified by Patrick G. Reavey, Edgerton City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 1023

AN ORDINANCE AMENDING CHAPTER V OF THE EDGERTON, KANSAS MUNICIPAL CODE TO INCLUDE NEW ARTICLE 4 REGULATING MOBILE FOOD VENDORS OPERATING WITHIN THE CITY

WHEREAS, with the addition of numerous new businesses within the community having large numbers of employees, the City anticipates new demand within the City for mobile food vendors; and

WHEREAS, the City governing body desires to put in place reasonable regulations to govern these anticipated mobile food vendors.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

SECTION 1: Chapter V of the Edgerton, Kansas Municipal Code is hereby amended to include new Article 4, which shall state the following:

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.

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.

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.

5-404. LICENSE – TERM – FEE.

(a) All licenses required by this Article shall be annual licenses valid from January 1st, or the date of issuance, through December 31st.

(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.

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.

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.

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.

5-408. ADDITIONAL REGULATIONS.

- (a) A 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 5 feet in width. If any such hindrance occurs, the Mobile Food Vendor must either
 - a. Instruct customers to move to a safe location outside of the flow of traffic and pedestrians;
 - b. Temporarily stop vending from its unit; or
 - c. 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 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.

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 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 8 square feet in size. Separate sign permits shall not be required. All other types of detached signs are prohibited.

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 appeal.

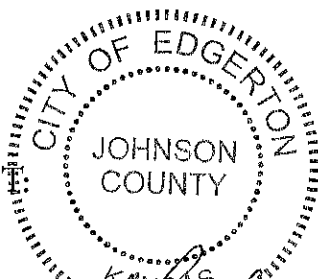
5-411. EXEMPTIONS. With the exception of City and state licensing requirements, the provisions of this Article shall not apply to the following activities:

- (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.

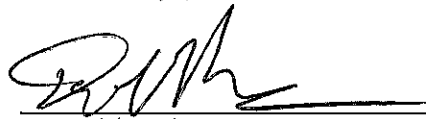
SECTION 2: Effective Date. This Ordinance shall be effective after its passage, approval and publication once in the City’s official paper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF EDGERTON, KANSAS ON THE 14 DAY OF JULY, 2016.

ATTEST:

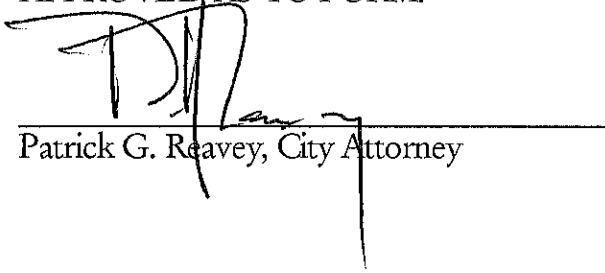


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Donald Roberts, Mayor

Janeice Rawles, City Clerk

APPROVED AS TO FORM:



Patrick G. Reavey, City Attorney