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**ORDINANCE 596**

**AN ORDINANCE REGULATING MOBILE FOOD TRUCK VENDORS WITHIN THE CORPORATE LIMITS OF THE CITY OF ARGONIA, KANSAS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARGONIA, KANSAS THAT:**

**Section 1.** Definitions.

For the purpose of this ordinance the following words and phrases will have the following meanings:

 a) Mobile Food Truck: A vehicle-mounted restaurant type establishment designed to be readily moved.

 b) Push cart: A non-self-propelled vehicles used for street vending.

 c) Street vending: the act of selling, peddling, or offering to sell or peddle any personal service or item, perishable or otherwise, in or upon any public street, public sidewalk, public alley, public way, public building, public park, or any other place in the City.

 d) Street vendor: One who sells, peddles or offers to sell or peddle any personal service or item, perishable or otherwise, in or upon any public street, public sidewalk, public alley, public way, public building, public park, or other public place in the City.

**Section 2.** General Provisions

 a) No person shall engage in street vending except as specifically authorized by this article.

 b) Subject to the conditions established by this ordinance, street vending shall be permitted in or upon any public street, public sidewalk, public alley, or public way, within the city.

**Section 3.** Conditions

 a) The following conditions are made applicable to street vending within the city:

1. Any person engaging in vending from a mobile food truck who offers to the public any food or beverage item must also apply for and obtain all licenses and permits required by the State of Kansas Department of Revenue and Sumner County Health Department and must maintain those licenses and permits in a current state.
2. A vendor certificate including all required licenses and permits must be prominently displayed on the vehicle or push cart from which the street vendor operates.
3. Any person engaging in street vending shall have prominently displayed upon the side of the vehicle or push cart from which the street vendor operates his or her name or the name of his or her business.
4. Street vendors shall not sell, attempt to sell any item or serve food or beverage in a residential district unless hired specifically for a private event.
5. No person under the age of 16 years, other than the street vendor or the street vendor’s employees, shall be allowed in or upon any vehicle or push cart engaged in street vending.
6. No street, alley or way, public or private shall be blocked by the street vendor’s vehicle or push cart.
7. Where the street vending occurs on a public sidewalk, a three-foot passageway for pedestrians shall be left open, and all merchandise shall be securely and adequately placed so as not to endanger a passerby or protrude into any street, alley or way.
8. Street vendors shall not sell, peddle, or offer to sell, or peddle any service or item in a manner which causes a nuisance, creates a fire hazard, interferes with the flow of vehicular and pedestrian traffic, or interferes with ingress or egress to or from any occupied building.
9. Street vendors shall not sell or peddle, or offer to sell, or peddle any service or item in a manner or location that would result in the street vendor’s violation of any ordinance, including but not limited to those ordinances pertaining to parking and traffic control.
10. Street vendors offering food or beverage shall provide a trash receptacle and must clean the litter and food deposits from that receptacle as often as necessary to ensure compliance with all applicable health code ordinances and regulations, but in no event less than once per day.
11. Street vendors shall not sell or peddle, or offer to sell, or peddle any service or item within 100 feet of a public entrance of an established business offering similar products to the public during the hours that the business is open to the public. For purposes of this article, one cannot sell, or peddle food items within 100 feet of a restaurant, deli, cafeteria or other eating establishment selling food items during the time it is open for business.

b) The failure of a street vendor to satisfy any of the conditions established by this article shall

 render the street vending unlawful.

**Section 4.** Prohibited locations.

 a) Street vending is prohibited at the following locations:

 1. In or upon any public street now or hereafter designated by the city council as a

 trafficway, boulevard or parkway, except as permitted by the Governing Body.

 2. In or upon any public street, public sidewalk, public alley, public way, public building,

 Public park, or other public place in the city bearing postings placed by the city

 Indicating that street vending is prohibited.

 3. In or upon any public street, public sidewalk, public alley, public way, public building,

 Public park, or other public place in the city where engaging in street vending would

 Result in a violation of this ordinance.

 b) Vending in any public building or other public place not specifically provided for by this

 article is prohibited except as may be authorized by the governing body. Such vending shall

 comply with all the conditions applicable to street vendors.

c) Street vending in or upon any property under the jurisdiction of the City, including any and all

 public streets, public sidewalks, public alleys, public ways, public buildings and other public

 places in or upon the property, is prohibited unless authorized by the Governing body or their

 designee. Any authorized vending in or upon any property under the jurisdiction of the city

 shall be conducted in accordance with the terms and conditions applicable to street vendors

 and such additional rules and regulations as may be established.

**Section 5.** Exemptions.

 a) Nothing in this ordinance shall be construed to prohibit businesses from operating a

 sidewalk café.

 b) Nothing in this article shall be construed to alter or prohibit the operation of any farmer’s

 market, presently existing or established in the future.

 c) Nothing in this ordinance shall be construed to prohibit street vending within an area closed

 by an applicable special event held by the city, including, but not limited to street fairs,

 parades, festivals and block parties, but vendors must comply with all vending requirements

 of the event.

**Section 6**. License and Cost.

 Cost to have a license will be $25.00 a day or $400.00 a year. This sum must be paid to the City Clerk upon approval to set up within the City limits of Argonia, Kansas. An application must be filed with the City Clerk and approved before any Food Truck(s) can set up. A copy of the vendor license must be displayed in an area where it can be seen clearly. Upon application, the vendor must provide the City Clerk with a copy of the licenses specified in SECTION 3.

**Section 7.** Penalties

 Any violation of this ordinance shall be punishable by a fine not exceeding $500.00 or by imprisonment of not more than 180 days or both. Each offense shall constitute a separate and distinct offense.

**Section 8.** Repeal

 All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

**Section 9.** Effective Date

 This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

 Passed and approved by the Governing Body of the City of Argonia, Kansas, this 5th day of May, 2024.

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 Rick Dolley, Mayor

ATTEST:

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Tara L. Pierce, City Clerk