

ORDINANCE NO. B- 549

AN ORDINANCE FOR THE CITY OF VICTORIA PROVIDING FOR MOBILE FOOD VENDORS, THE LICENSING THEREOF, AND PROVIDING RULES AND REGULATIONS FOR THE BUSINESS OF MOBILE FOOD VENDORS, ALL AS PROVIDED IN CHAPTER 5, ARTICLE 4, OF THE CODE OF MUNICIPAL ORDINANCES FOR THE CITY OF VICTORIA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VICTORIA, KANSAS.

Section 5-401 - PURPOSE

The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of the City of Victoria, Kansas, it is necessary to regulate various activities, including those of Mobile Food Vendors.

Section 5-402 - DEFINITIONS

The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (a) "City Clerk," for the purposes of this Article, shall mean the City Clerk, the interim City Clerk, anyone fulfilling the duties of the City Clerk on either a temporary or a permanent basis, or any designee of the City Clerk.
- (b) "Mobile Food Vendor" shall mean any person, corporation, association, or other entity, however organized, that offers food and/or beverage for sale from a Mobile Food Unit.
- (c) "Mobile Food Unit" shall mean any self-contained vehicle, trailer, cart, or other type of conveyance from which food and/or beverage is offered for sale.

Section 5-403 - MOBILE FOOD VENDOR'S LICENSE REQUIRED

No person, corporation, association, or other entity, however organized, shall operate within the corporate limits of the City as a Mobile Food Vendor without first obtaining a valid Mobile Food Vendor's License.

Section 5-404 - MOBILE FOOD VENDOR'S LICENSE FEE

The application fee for a Mobile Food Vendor's License is \$25.00. The fee shall not be pro-rated or refunded for any reason, including denial of an application or revocation of a license.

Section 5-405 - MOBILE FOOD VENDOR'S LICENSE APPLICATION

Application for a Mobile Food Vendor's License shall be made to the City Clerk on a form provided by the City Clerk for that purpose. In addition to paying the Mobile Food Vendor's License Fee, the applicant shall attest to the truthfulness of the application and shall complete the application in full, providing the following information:

- (a) The applicant's full legal name, date of birth, place of birth, and Social Security Number.
- (b) The applicant's permanent address, business mailing address, and telephone number.
- (c) The applicant's valid Kansas sales tax number.
- (d) A brief description of the nature of the business and the food and/or beverage to be offered for sale.
- (e) A copy of a valid State of Kansas license for food service establishments, if such is required.
- (f) Proof of general liability insurance in the amount of \$100,000.00 or more.
- (g) The applicant's signature.

Section 5-406 - MOBILE FOOD VENDOR'S LICENSE ISSUANCE; DENIAL

- A. The City Clerk shall review each application for a Mobile Food Vendor's License. Within five (5) business days of the application, the City Clerk shall approve the application and shall issue to the applicant a Mobile Food Vendor's License together with an official copy for each Mobile Food Unit identified in the application unless the application is incomplete.
- B. If the application is deficient for any of the reasons set forth in Section 5-406(A) of this Article, then the City Clerk shall deny the

application by giving Notice of Denial to the applicant. Notice of Denial shall be in writing, shall be mailed to the applicant at his or her given address, shall inform the applicant of the reason for denial, and shall inform the applicant that he or she has fourteen (14) days from the date of the Notice of Denial in which to appeal the denial of the application to the Governing Body.

SECTION 5-407 - MOBILE FOOD VENDOR'S LICENSE APPEARANCE; DURATION

- (a) The Mobile Food Vendor's License shall be valid for a period not to exceed one year and shall expire on December 31 of the year in which it is issued.

SECTION 5-408 - MOBILE FOOD VENDOR'S LICENSE DISPLAYED

Mobile Food Vendors shall display the Mobile Food Vendor's License in a prominent place on a Mobile Food Unit at all times that the Mobile Food Unit is engaged in any of the activities licensed by this Article.

SECTION 5-409 - MOBILE FOOD VENDOR'S LICENSE NON-TRANSFERABLE

- (1) Mobile Food Vendors shall obtain the permission of the property owner before engaging in any activities licensed by this Article.
- (2) Mobile Food Vendors may only engage in activities licensed by this Article on improved surfaces in commercial, industrial, and nonresidential special purpose zoning districts.
- (3) Mobile Food Vendors are prohibited from offering for sale any food and/or beverage from a public right of way, except as part of a City Approved Event.
- (4) Mobile Food Vendors are prohibited from offering for sale any food and/or beverage from any unoccupied or vacant lot, except as part of a City Approved Event or pursuant to a City-approved Site Plan establishing a location for Mobile Food Vendors as a permanent or seasonal element of the site.

SECTION 5-410 - MOBILE FOOD UNIT STANDARDS

All Mobile Food Units shall comply with the following standards:

- (A) All Mobile Food Units shall be maintained in good, operable condition and shall, at all times, be capable of being moved.
- (B) All Mobile Food Units, unless completely self-contained, shall be located in close proximity to and shall be connected safely to electricity and other necessary utilities, such that they do not pose a threat to the public health, safety and welfare.

SECTION 5-411 - MOBILE FOOD VENDOR'S LICENSE REVOCATION

(A) The City Clerk may revoke any Mobile Food Vendor's License issued under this Article for one or more of the following reasons:

- (1) Any violation of the provisions of this Article;
 - (2) Conducting a licensed activity in an unlawful manner, in a manner that disturbs the peace, or in a manner that is injurious to the health, safety or welfare of the residents of the City;
 - (3) Violation of a site plan requirement for an existing land use;
 - (4) Revocation or denial of any license issued by the State of Kansas for food service establishments.
- (B) Notice of Revocation shall be in writing, shall be mailed to the applicant at his or her given address, shall inform the licensee of the reason for revocation, and shall inform the licensee that he or she has fourteen (14) days from the date of the Notice of Revocation to appeal the revocation to the Governing Body. The City Clerk shall maintain a copy of the Notice of Revocation in his or her files.

SECTION 5-412 - MOBILE FOOD VENDOR'S LICENSE MUNICIPAL OFFENSE

Operating as a Mobile Food Vendor without a Mobile Food Vendor's License shall be a municipal offense. Any person, upon an adjudication of guilt or the entry of a plea of no contest, shall be subject to a fine of a minimum of \$500.00 and a maximum of \$1,000.00.


SECTION 5-413 - PUBLICATION; EFFECTIVE DATE: This ordinance shall be published in official city newspaper, Russell County News.

Passed by the City Council this 15th day of August, 2016,
and signed by the Mayor on the 15th day of August, 2016.



Jerry Kanzenbach, Mayor

ATTEST:



Mary Pfeifer, City Clerk