

(First Published in the Clarion on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.)

THE CITY OF COLWICH, KANSAS

ORDINANCE NO. 721

AN ORDINANCE CONCERNING THE AMENDMENT OF CHAPTER V BY  
ADDING ARTICLE 3 STREET VENDING.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLWICH, KANSAS:

Section 1. Chapter V, is hereby amended to add Article 3 Street Vending, to read as follows:

**ARTICLE 3. STREET VENDING**

5-301 DEFINITIONS. For the purpose of this article, the following words shall be considered to have the following meanings:

(a) Mobile unit: 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.

5-302 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 article, and exception otherwise prohibited by section 5-304, street vending shall be permitted in or upon any public street, public sidewalk, public alley, or public way, within the city.

5-303 CONDITIONS. (a) The following conditions are made applicable to street vending within the city:

(1) Any lawful service or item may be sold, peddled, or offered for sale or peddling, except that any item other than newspapers, magazines, periodicals, flowers, food or beverage may be sold, or peddled, or offered for sale, hawking or peddling only from a push cart or from the street vendor's person.

(2) Any person engaging in street vending must apply for and obtain a license as required by Section 5-202 of this Code.

(3) Any person engaging in street vending 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 Sedgwick County Health Department and must maintain those licenses and permits in a current state.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) No street, alley or way, public or private, shall be blocked by the street vendor's vehicle or push cart, or by anything being offered for sale, or peddling.

(9) 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.

(10) 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.

(11) 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.

(12) Street vendors selling or peddling, or offering to sell, or peddle any service or item must comply with all ordinances applicable to the business in which they are engaged and the services and items being offered to the public.

(13) 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.

(14) Street vendors shall not sell or peddle, or offer to sell, or peddle any service or item within 50 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 50 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.

5-304 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 section 3-304.

(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 Code.

(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 department of parks and recreation, 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 director of parks and recreation or his designee. Any authorized vending in or upon any property under the jurisdiction of the department of parks and recreations shall be conducted in accordance with the terms and conditions applicable to street vendors and such additional rules and regulations as may be established by the department.

5-305 SAME—EXEMPTIONS.

(a) Nothing in this article 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 article shall be construed to prohibit street vending within an area closed by an applicable special permit issued by the city, including, but not limited to street fairs, parades, festivals and block parties, but vendors must comply with vending requirements of the special permit.

5-306 RELATED PROVISIONS. Nothing contained within this article shall be construed as to alter or amend any provision of this Code relating to the licensing, permitting, taxation, and regulation of street vendors, or to the licensing, permitting, taxation and regulation of the service or thing being sold, hawked, peddled, or offered for sale, hawking or peddling.

5-307           VENDOR CERTIFICATES REQUIRED ON PRIVATE PROPERTY (a)   Any person vending from a mobile unit or push cart upon any private property within the city must obtain and display a vendor certificate, including all required licenses and permits, as provided by section 5-202.

(b)   For the purposes of this section, street vending as defined in section 5-301 shall also include the act of selling, peddling or offering to sell or peddle any personal service or item, perishable or otherwise, in or upon any private property within the city.

Section 2.     This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Council this 15<sup>th</sup> day of July, 2019

Approved by the Mayor this 15<sup>th</sup> day of July, 2019.

          /s/Kevin Dorritie            
MAYOR, KEVIN DORRITIE

ATTEST:

          /s/Diana Brooks            
CITY CLERK, DIANA BROOKS

SEAL